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Title 3—THE PRESIDENT

Proclamation 3956

CENTENNIAL OF THE UNITED STATES WEATHER SERVICES

By the President of the United States of America

A Proclamation

On February 9, 1870, President Ulysses S. Grant approved a joint resolution of Congress (16 Stat. 369) providing for meteorological observations and for giving notice of the approach and force of storms.

In the hundred years which have intervened, meteorology and kindred atmospheric sciences have undergone phenomenal development through the skill, ingenuity, and dedication of civilian and military scientists, meteorologists, weather observers and many others serving on land, at sea, and in the air, in peace and in war. Their efforts have been aided through unswerving cooperation by the press and the radio and television industries.

This cooperation has resulted in weather services which touch almost every American life and which provide tremendous benefits in the protection of life and property, assistance to many facets of the national economy, and daily contributions to the public welfare and convenience.

Today, the United States is working diligently with many other nations toward a World Weather Watch which, through increased understanding and use of our environmental resources, will provide vastly improved weather services for the entire world.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the month of February 1970, as United States Weather Services Month; and I urge our institutions and organizations, public and private, and our citizens, to recognize the achievements of the past century and to offer appropriate appreciation and support for this vital national function on the occasion of its centennial anniversary.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of January, in the year of our Lord nineteen hundred and seventy, and of the Independence of the United States of America the one hundred and ninety-fourth.

Richard Nixon

[F.R. Doc. 70-1199; Filed, Jan. 27, 1970; 2:53 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

PART 265—PILOT FOOD CERTIFICATE PROGRAM REGULATIONS

Sec.

AUTHORITY: The provisions of this Part 265 issued under sec. 32, 49 Stat. 774; sec. 301, 80 Stat. 379; 83 Stat. 252; 5 U.S.C. 301, 7 U.S.C. 612c.

§ 265.1 General purpose and scope.

This part announces the policies and prescribes the general regulations with respect to the Pilot Food Certificate Program to be operated in a selected area of Chicago, Ill., and in such other areas as the Secretary, by public notice, shall designate, for the purpose of providing highly nutritious foods through normal trade channels to certain low-income persons who are vulnerable to malnutrition, to-wit: Women during and for a period after pregnancy, and infants.

§ 265.2 Definitions.

As used in the regulations in this part and in all contracts, instructions, forms, and other documents in connection therewith, the words and phrases defined in this section shall have the meaning assigned to them herein, unless the context or subject matter requires otherwise.

(a) "Bank" means a member or nonmember bank of the Federal Reserve System.

(b) "Certificate" means a food certificate issued pursuant to the provisions of this part.

(c) "Department" means the U.S. Department of Agriculture.

(d) "Eligible food" means any or all of the following classes of food, as defined:

(1) Fluid milk. Unflavored whole milk which meets local and State standards, fortified with Vitamin D; or lowfat milk fortified with Vitamins A and D; or skim milk fortified with Vitamins A and D.

(2) Infant formula. Concentrated or powdered infant formula, preferably enriched with iron, or as prescribed by a physician. The predominant item on the label listing of contents of the infant formula shall be a dairy or vegetable product.

(3) Infant cereal. Instant precooked infant cereal, preferably enriched with iron, or as prescribed by a physician.

(e) "Eligible persons" means persons who meet the requirements for certification in § 265.5 and are either (1) women during and for not more than 12 months after pregnancy, or, if pregnancy is interrupted, for not more than 60 days after pregnancy, or (2) infants through 12 months of age.

(f) "Fiscal year" means a period of 12 calendar months beginning with July 1 of any calendar year and ending with June 30 of the following calendar year.

(g) "Federal Reserve Banks" means the 12 Federal Reserve Banks and their 24 branches.

(h) "FNS" means the Food and Nutrition Service of the Department.

(i) "Issuing agency" means an agency, other than the State agency, and other than a retail food or drug store or a wholesale food or drug concern which is responsible for the issuance of certificates to recipients.

(j) "Program" means the Pilot Food Certificate Program.

(k) "Program participant" means any (1) recipient, (2) authorized retail food or drug store, (3) authorized wholesale food or drug concern, (4) bank, and (5) State agency or issuing agency.

(l) "Recipient" means an eligible person who has been certified as qualified to receive certificates. The term also includes a proxy, that is, a person who has applied for certificates on behalf of a person so certified (see § 265.5(b)), or a person authorized to act for an eligible person who has been automatically certified, unless specific exception is made of proxies.

(m) "Retail food or drug store" means an establishment, including a recognized department thereof, or a house-to-house trade route, which sells eligible food to recipients for home consumption.

(n) "Secretary" means the Secretary of Agriculture or his authorized representative.

(o) "State agency" means the State public assistance agency, including a local subdivision, or any local governmental agency within the State which has executed an agreement with the Department for the assumption of responsibility for the operation of the program in a specified geographical area within the State.

(p) "Wholesale food or drug concern" means an establishment which sells eligible foods to retail food or drug stores for resale to recipients.

§ 265.3 Administration.

FNS shall act on behalf of the Department in administering the program.

§ 265.4 Agreements with State agencies.

(a) Any State or local governmental agency, which administers federally aided public assistance programs in any geographic area where the program will be operated and which desires to assume responsibility for the operation of the program in such area, shall enter into an agreement with the Department. Each agreement shall provide for:

(1) The delivery by the Department to the State agency of certificates, certification by the State agency of eligible persons, and issuance of certificates to recipients.

(2) Safeguarding of certificates by the State agency.

(3) Responsibility of the State agency to the Department for loss of, or failure to properly account for, certificates.

(4) Keeping of records by the State agency.

(5) Submission by the State agency to the Department of reports and other information.

(6) Adoption by the State agency of a procedure to grant a fair hearing to eligible persons or recipients aggrieved by action in connection with certification or with the issuance of certificates.

(7) Assistance to the Department in program evaluation and program promotion.

(8) Compliance by the State agency with general provisions required by law to be inserted in Government contracts.

(b) The agreement between the Department and the State agency shall also contain such additional provisions as are necessary or desirable for operation of the program in compliance with this part.

§ 265.5 Certification.

(a) Eligible persons shall be automatically certified to receive food certificates for the period of their eligibility if (1) such persons are receiving public assistance, or (2) such persons are participating in the Department's Food Stamp Program, or (3) if the names of such persons have been referred to the State agency by prenatal and well baby clinics and services.

(b) Other eligible persons shall be certified to receive food certificates for the period of their eligibility if their income and resources, as determined by the State agency, do not exceed the Food Stamp Program income and resource standards approved by the Department. Such eligible persons may apply for certificates at locations which shall be publicly announced by State agencies. Application for certificates shall be made by the eligible person or, if the eligible person is an infant, by the parent or guardian of the infant. In the event of physical or mental incapacity of an adult eligible person, another person, related or unrelated, may make application on behalf of such eligible person.

(c) The State agency shall issue an identification card to each adult recipient for use in purchasing eligible foods.

(d) The State agency shall make periodic reviews to determine changes in the status of a recipient (other than a proxy) which would affect eligibility to receive certificates.

§ 265.6 Issuance of certificates.

(a) State agencies shall issue certificates, or cause certificates to be issued through an issuing agency, to recipients. Certificates may be issued through the United States mail.

(b) Certificates shall be in the denomination of 25 cents each and 20 certificates shall be bound in book form. Recipients shall receive one book for each 30 days of participation in the program of an adult eligible person, and shall receive two books for each 30 days of participation in the program of an infant eligible person.

(c) Certificates shall be issued, on a 30-day or 60-day basis, for a period beginning with the date of certification and ending with the termination of the period for which the eligible person was certified. In no event, however, shall less than a full book of certificates be issued. Consequently, any certificates remaining in the last book issued may be used after the end of the period for which the eligible person was certified.

§ 265.7 Use of certificates by recipients.

(a) The recipient to whom the State agency issued an identification card shall sign each book of certificates issued to the recipient. The certificates may be used by the recipient only to purchase eligible food from authorized retail food or drug stores as follows: Certificates issued for adult eligible persons shall be used to purchase milk (approximately 22 quarts per month). Certificates issued for infant eligible persons shall be used to purchase (1) either infant formula (approximately 32 ounces per day), or milk (approximately 30 quarts per month), and (2) infant cereal (approximately 2 pounds per month). Certificates shall be detached from the book only at the time such certificates are used in payment for eligible food purchased.

(b) Upon request, when eligible food is purchased, a recipient shall present the identification card.

(c) Certificates shall not be used to pay for any eligible food purchased prior to the time at which the certificates are used to pay for eligible food purchased from authorized retail food or drug stores.

(d) If any recipient fails substantially to comply with the provisions of this part, such recipient shall be disqualified from further participation in the program for such period of time as the State agency may determine, and shall be required to pay to the State agency the value of any certificates improperly used. Disqualification or payment shall not preclude the possibility of other action being taken, including prosecution for fraud under applicable Federal statutes.

§ 265.8 Participation of retail food or drug stores.

(a) Retail food or drug stores, operating in or immediately adjacent to the pilot areas and desiring to participate in the program, shall file an application with FNS on Form FNS–90. "Retailer's Application for Authorization to Participate in the Food Certificate Program." Upon approval, FNS will issue Form FNS–92, "Food Certificate Program Authorization," for the store or stores covered by the application. A copy of such authorization shall be retained in each retail food or drug store and no certificate shall be accepted by any retail food or drug store prior to the receipt of such authorization from FNS or after withdrawal of such authorization by FNS.

(b) FNS shall deny the application of any retail food or drug store if it determines that such store's participation will not effectuate the purposes of the program. If FNS determines that a retail food or drug store does not qualify for participation in the program, a notice to that effect shall be issued to such store. Such notice shall be delivered by certified mail or personal service. If such store is aggrieved by such action, it may seek administrative review of such action as provided in § 265.12(f).

(c) Each authorized retail food or drug store shall post in the store a list of eligible food on Form FNS–96.

(d) Certificates shall be accepted by an authorized retail food or drug store only in exchange for eligible food, and at the same prices and on the same terms and conditions applicable to cash purchases of the same food at the same store. However, nothing in this part shall be construed as authorizing FNS to specify the prices at which food may be sold by retail food or drug stores. No retail food or drug store which is not also an authorized wholesale food or drug concern shall accept certificates for any purpose from another retail food or drug store.

(e) No owner or employee of any authorized retail food or drug store shall accept certificates which have been used previously, as evidenced by cancellation markings, nor shall any such owner or employee knowingly accept certificates from a person who has no right to the possession of such certificates for such use. If such an owner or employee has any cause to believe that a person presenting certificates has no right to possession thereof, such owner or employee should request such person to show the identification card of the recipient to establish the right of such person to possession of certificates.

(f) Authorized retail food and drug stores which accepted certificates in accordance with the provisions of this part, shall be entitled to receive payment, upon presentation, for the face value of such certificates, through the banking system or through authorized wholesale food or drug concerns.

(g) Change shall not be given for certificates. Authorized retail food or drug stores may accept certificates only in an amount equal to or less than the total amount due for eligible food. When the amount of the certificates tendered is less than the total amount due for eligible food, the recipient shall pay the difference in cash or may use Food Stamp Program food coupons if the recipient (other than a proxy) is participating in the Food Stamp Program and the store is authorized to accept food coupons.

§ 265.9 Participation of wholesale food and drug concerns.

(a) Wholesale food and drug concerns desiring to participate in the program shall file an application with FNS on Form FNS–91, "Wholesaler's Application for Authorization to Participate in the Food Certificate Program." Upon approval, FNS will issue written authorization to participate on Form FNS–92.

(b) Authorized wholesale food or drug concerns may accept endorsed certificates for redemption only from authorized retail food or drug stores and only when certificates are presented with the authorized retail food or drug store's signed redemption voucher and have not been marked "paid" or "canceled."

(c) Authorized wholesale food or drug concerns which have accepted certificates in accordance with the provisions of this part shall be entitled to receive payment through the banking system for the face value of such certificates upon presentation of the certificates together with (1) the authorized retail food or drug store's signed redemption voucher for such certificates, and (2) the authorized wholesale food or drug concern's signed redemption voucher.

§ 265.10 Procedure for redeeming certificates.

(a) Authorized retail food or drug stores and authorized wholesale food or drug concerns will be provided by FNS with redemption vouchers which shall be used in presenting certificates to commercial banks for payment. Authorized retail food or drug stores shall also use redemption vouchers in presenting food certificates to authorized wholesale food or drug concerns for redemption.

(b) Each authorized retail food or drug store and authorized wholesale food or drug concern shall stamp or otherwise indicate its authorization number or the name of such store or concern on each certificate prior to the time such certificate is presented for redemption.

(c) Certificates accepted by a retail food or drug store or a wholesale food or drug concern prior to the receipt by such store or concern of authorization from FNS shall be redeemed only if the store or concern applies for and receives authorization to participate in the program, and the local FNS Field Office finds that the following conditions exist: (1) The certificates were accepted in accordance with the provisions of this part governing acceptance of certificates, except the provisions requiring that the store or concern be authorized before acceptance; and (2) the certificates were accepted by the store or concern in good faith, and without any intent to circumvent the provisions of this part. Retail food or drug stores and wholesale food or drug concerns seeking to redeem such certificates shall present a claim in writing for redemption of such certificates to the local FNS Field Office. This claim shall be accompanied by a notarized affidavit containing a full statement of

the circumstances surrounding the acceptance of the certificates. The affidavit shall also include a certification that the certificates were accepted in good faith, and without any intent to circumvent the requirements of this part.

§ 265.11 Participation of banks.

(a) Banks may accept certificates for redemption from authorized retail food or drug stores and authorized wholesale food or drug concerns in accordance with the provisions of this part and the instructions of the Federal Reserve Banks. Certificates submitted to banks for credit or for cash shall be properly endorsed in accordance with § 265.10 and shall be accompanied by a properly executed redemption voucher. No bank shall knowingly accept certificates used by persons not entitled to use them or transmitted for collection by unauthorized retail food or drug stores, unauthorized wholesale food or drug concerns, or any other unauthorized individuals, partnerships, corporations, or other legal entities. Banks may require persons presenting certificates for redemption to show their authorization card. The redemption vouchers shall be held by the receiving bank until final credit has been given by the Federal Reserve Bank after which they shall be forwarded by the receiving bank to the local FNS Field Office. Certificates accepted for deposit or for payment in cash must be cancelled by or for the first bank receiving the coupons by indelibly marking "paid" or "cancelled" together with the name of the bank, or its routing symbol transit number, on the certificates by means of an appropriate stamp. A portion of a certificate consisting of less than three-fifths (3/5) of a whole certificate shall not be accepted for redemption by banks. Banks which are members of the Federal Reserve System, nonmember clearing banks, and nonmember banks which have arranged with a Federal Reserve Bank to deposit certificates for credit to the account of a member bank on the books of the Federal Reserve Bank may forward cancelled certificates directly to the Federal Reserve Bank for payment in accordance with applicable regulations or instructions of the Federal Reserve Banks. Other banks may forward cancelled certificates through ordinary collection channels.

(b) While in the course of shipment, cancelled certificates shall be considered to be at the risk of the Department if the bank transmitting such certificates has exercised due diligence and taken ordinary care in making the shipment. Reports of loss, destruction, or damage shall be given promptly on discovery to all of the following: FNS; the nearest Secret Service Office; the Post Office or other carrier; and the Secretary of the Treasury, Bureau of Accounts. Claim for replacement or credit in the event of loss, damage or destruction of any shipment of certificates shall be filed in writing with FNS and shall be supported by the redemption vouchers received from the retail food or drug stores or wholesale food or drug concerns, relating to the certificates included in the particular shipment involved in such claim.

(c) Notwithstanding any provisions of this part to the contrary, certificates may be issued to persons authorized by FNS for use in examining and inspecting program operations, compliance with program regulations, and for other purposes determined by FNS to be required for proper administration of the program. Such certificates which have been so issued and used, as well as any certificates which FNS believes may have been issued, transferred, negotiated, used, or received in violation of any provisions of this part or of any applicable statute, shall, at the request of authorized representatives of FNS and on issuance of a receipt therefor by such representatives, be released and turned over to FNS by the bank receiving such certificates or by any other person to whom such request is addressed, together with any vouchers of redemption accompanying such certificates, if any. Any such certificates so requested shall not thereafter be eligible for redemption through Federal Reserve Banks or other collection channels: *Provided, however,* That FNS may redeem such certificates from any such bank or person by payment of the face amount thereof upon determination by FNS that such direct redemption of certificates is warranted under all of the circumstances of the examination or inspection in which such certificates were used. Certificates received by FNS under this paragraph shall be held by FNS for such disposition as may be determined by FNS on completion of the examination or inspection in which such certificates were used. In the event such certificates have not been redeemed by FNS as provided in this paragraph, claims or demands relative thereto may be mailed to the local FNS Field Office for the pilot area involved.

§ 265.12 Miscellaneous provisions.

(a) Any authorized retail food or drug store or authorized wholesale food or drug concern may be disqualified from future participation by FNS for such period as FNS shall determine, if any such store or concern fails to comply with the provisions of this part or any procedure or instructions issued by FNS pursuant thereto. Any such store or concern shall have full opportunity to submit information, explanation, or evidence concerning any instance of noncompliance or diversion of funds before a final determination is made in such cases by FNS. Nothing in this paragraph shall preclude other action being taken by the Department or the United States, including prosecution for fraud under applicable Federal statutes. The determination by FNS shall be final unless a written request for review be filed within 10 days in accordance with paragraph (f) of this section.

(b) If FNS determines that a retail food or drug store or wholesale food or drug concern accepted certificates in violation of the provisions of this part, FNS may deny the claim for redemption of such certificates. In the event such certificates have been redeemed, FNS may assert a claim against such store or concern for the face value of the certificates involved in such violation and, without limitation of any other rights FNS may have, may collect such claim by setoff of the amount against other claims for redemption of certificates submitted by such store or concern. If a claim under the provisions of this paragraph is denied in whole or in part, notification of such action shall be sent to such store or concern by certified mail or personal service. If such store or concern is aggrieved by such action, it may seek administrative review as provided in paragraph (f) of this section.

(c) Certificates are an obligation of the United States within the meaning of 18 U.S.C. 8. The provisions of title 18 of the United States Code, "Crimes and Criminal Procedure," relative to counterfeiting and alteration of obligations of the United States and the uttering, dealing in, etc., of counterfeit obligations of the United States, are applicable to certificates.

(d) All program participants and any other persons having custody, care and control of certificates, shall at all times use care and caution in receiving, storing, transmitting or otherwise handling certificates to avoid acceptance, transfer, negotiation, or use of spurious, altered, or counterfeit certificates or any unauthorized transfer, negotiation or use of certificates, and to protect certificates from theft, embezzlement, loss, damage or destruction.

(e) Any unauthorized issuance, use, or transfer of certificates by any program participant or other person or any false statement made by any program participant or other person in any application or certification required by this part, by any agreement, or by any instruction of FNS or of the Federal Reserve System, may subject such program participant or other person to criminal prosecution under any applicable provision of title 18 of the United States Code, or civil liability under the provisions of 31 U.S.C. 231, or both, as well as to any legal action which may be maintained under State law.

(f) A retail food or drug store or a wholesale food or drug concern aggrieved by the Department's action under this part may, within 10 days of the date of delivery to the store or concern of notice of such action, file a written request for review of such action with the Food Certificate Reveiw Officer, U.S. Department of Agriculture, Washington, D.C. 20250. On receipt of such request for review, the questioned action shall be stayed pending disposition of such request for review by the Food Certificate Review Officer. The procedure for review, to be published at a later date, will be available upon request from the Food Certificate Review Officer.

(g) All plans, applications, notices, and other documents required by this part to be forwarded to FNS, shall be sent to the local FNS Field Office, or to the appropriate FNS Regional Office for the pilot area, as indicated below:

(1) For pilot areas in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia: U.S. Department of Agriculture, FNS, Northeast Region, 26 Federal Plaza, Room 1611, New York, N.Y. 10007;

(2) For pilot areas in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia: U.S. Department of Agriculture, FNS, Southeast Region, 1795 Peachtree Road NE., Room 302, Atlanta, Ga. 30309;

(3) For pilot areas in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin: U.S. Department of Agriculture, FNS, Midwest Region, 536 South Clark Street, Chicago, Ill. 60605;

(4) For pilot areas in Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas: U.S. Department of Agriculture, FNS, Southwest Region, 500 South Ervay Street, Room 3–127, Dallas, Tex. 75201;

(5) For pilot areas in Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming: U.S. Department of Agriculture, FNS, Western Region, Appraisers Building, Room 734, 630 Sansome Street, San Francisco, Calif. 94111.

(h) Any or all of the provisions of this part may be withdrawn or amended by the Department at any time.

NOTE: The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. The provisions of this part shall become effective on publication thereof in the FEDERAL REGISTER.

RICHARD E. LYNG,
Assistant Secretary.

JANUARY 23, 1970.

[F.R. Doc. 70–1037; Filed, Jan. 28, 1970; 8:45 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 194]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.494 Navel Orange Regulation 194.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 27, 1970.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 30, 1970, through February 5, 1970, are hereby fixed as follows:

(i) District 1: 935,000 cartons.

(ii) District 2: 154,000 cartons.

(iii) District 3: 11,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 27, 1970.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70–1219; Filed, Jan. 28, 1970; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraph (e)(7) relating to the State of Mississippi is amended to read:

(7) *Mississippi.* (i) Calhoun, Rankin, and Webster Counties.

(ii) The adjacent portions of Tallahatchie and Grenada Counties bounded by a line beginning at the junction of U.S. Highway 51 and Federal Aid Secondary Highway at the Grenada-Yalobusha County line; thence, following Federal Aid Secondary Highway in a southwesterly direction to the town of Cascilla; thence, following Federal Aid Secondary Highway in a generally southerly direction to State Highway 8; thence, following State Highway 8 in a southeasterly direction to State Highway 35; thence, following State Highway 35 in a southeasterly direction across Cane Creek to the First Federal Aid Secondary Highway east of State Highway 35; thence, following the First Federal Aid Secondary Highway east of State Highway 35 in a continuous northeasterly direction to U.S. Interstate Highway 55; thence, following U.S. Interstate Highway 55 in a northerly direction to U.S. Highway 51; thence, following U.S. Highway 51 in a northerly direction to its junction with Federal Aid Secondary Highway at the Grenada-Yalobusha County line.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

This amendment excludes parts of Grenada and Tallahatchie Counties in Mississippi from the areas heretofore quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and

swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described above in § 76.2. Further, the restrictions pertaining to the interstate movement from nonquarantined areas contained in said Part 76 will apply to the excluded areas.

The amendment relieves certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to affected persons. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of January 1970.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 70-1152; Filed, Jan. 28, 1970; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Securities Eligible for Underwriting and Unlimited Holding

Sec.
1.246 Farmers Home Administration farm loan notes sold in blocks.
1.247 Southeastern Pennsylvania Transportation Authority, Transportation Bonds (Delaware County Agreement).
1.248 Los Angeles County-San Dimas Civic Center Authority, San Dimas Library Building, Revenue Bonds.
1.249 Los Angeles County North Valley Building Corporation Leasehold Mortgage Bonds.
1.250 Los Angeles County Coroner's Building Corporation Leasehold Mortgage Bonds.

AUTHORITY: The provisions of §§ 1.246–1.250 issued under R.S. 324 et seq., as amended, paragraph Seventh of R.S. 5136 as amended; 12 U.S.C. 1 et seq., 24, unless otherwise noted.

§ 1.246 Farmers Home Administration farm loan notes sold in blocks.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility for purchase, dealing in, underwriting, and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24 of Farmers Home insured notes offered in large blocks under and represented by an insurance contract which would include an agreement to supplement the interest borne by the notes sufficiently to give the investor an agreed total yield and to repurchase the notes after a specified period.

(b) *Opinion.* (1) The Farmers Home Administration, an agency of the Department of Agriculture, proposes to sell and insure approximately $350 million of these notes, evidencing loans made to farmers and other rural residents, in blocks of approximately $1 million, each with a repurchase maturity of either 5 or 10 years.

(2) In an opinion of December 29, 1969, addressed to the Secretary of Agriculture, the Attorney General of the United States ruled with respect to this proposed offering that agreements to insure payment of principal and interest to investors, to repurchase insured notes from such investors on a specified date and to make the proposed supplementary payments would be valid and would constitute general obligations of the United States backed by its full faith and credit.

(c) *Ruling.* It is our conclusion that Farmers Home insured notes sold in blocks with agreements to insure, supplement interest and repurchase are obligations of the United States and eligible for purchase, dealing in, underwriting, and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24. (Acting Comptroller's letter dated Dec. 30, 1969.)

§ 1.247 Southeastern Pennsylvania Transportation Authority, Transportation Bonds (Delaware County Agreement).

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $15,500,000 Southeastern Pennsylvania Transportation Authority, Transportation Bonds (Delaware County Agreement), Series of 1969, for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) Southeastern Pennsylvania Transportation Authority is a body corporate and politic created in 1964 in accordance with the Metropolitan Transportation Authorities Act of the Commonwealth of Pennsylvania with authority to exercise the public powers of the Commonwealth as an agency and instrumentality thereof. Under the Act, the Authority is authorized to plan, acquire, construct, improve, maintain, operate and lease, either as lessor or lessee, a transportation system in the Philadelphia metropolitan area, to borrow money and to issue bonds. The Authority is issuing these bonds to finance the purchase of the Pennsylvania passenger transportation system of the Philadelphia Suburban Transportation Co., which serves the public principally in the County of Delaware.

(2) The County of Delaware, which is in the Philadelphia metropolitan area and is a member of the Authority, is authorized under the laws of Pennsylvania to make annual grants from current revenues to the Authority to assist in defraying the costs of operation, maintenance, and debt service of the Authority or of a particular mass transportation project of the Authority and to enter into long-term agreements providing for the payment of the same.

(3) The County of Delaware has entered into an agreement with the Authority under which the County has unconditionally promised to make annual grants to the Authority out of revenues of current and successive years in amounts which, together with other available funds, will be sufficient to meet the debt service requirements of the bonds. The County which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $15,500,000 Southeastern Pennsylvania Transportation Authority, Transportation Bonds (Delaware County Agreement), Series of 1969, are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Comptroller's letter dated Jan. 7, 1970.)

§ 1.248 Los Angeles County-San Dimas Civic Center Authority, San Dimas Library Building, Revenue Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $575,000 Los Angeles County-San Dimas Civic Center Authority, San Dimas Library Building, Revenue Bonds for purchase, dealing in, underwriting, and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Los Angeles County-San Dimas Civic Center Authority is a public entity created under the laws of California by an agreement between the City of San Dimas and the County of Los Angeles. Under this agreement, the Authority is authorized to acquire, construct and lease public buildings, and to issue bonds to finance such projects. The Authority is issuing these bonds for the purpose of financing the construction of a library building which will be leased to and operated by the County.

(2) The County, as required by its agreement with the City, has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds, as well as other necessary expenses. The County, which possesses general powers of taxation, has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $575,000 Los Angeles County-San Dimas Civic Center Authority, San Dimas Library Building, Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks. (Comptroller's letter dated Jan. 12, 1970.)

§ 1.249 Los Angeles County North Valley Building Corporation Leasehold Mortgage Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $5,435,000 Los Angeles County North Valley Building Corporation Leasehold Mortgage Bonds for purchase, dealing in, underwriting, and

unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Los Angeles County North Valley Building Corporation, a California nonprofit corporation acting for the County of Los Angeles, was created to issue its leasehold mortgage bonds to finance the construction on land leased to it by the County of public buildings to be leased to and operated by the County. The Corporation is issuing these bonds to finance the construction of the Newhall Civic Center, a branch County office building complex, to serve an area in northwestern Los Angeles County.

(2) The County has unconditionally promised in the lease rental agreement to pay annual lease rentals to the Corporation in an amount sufficient to meet annual interest and principal payments on these bonds, as well as other necessary expenses. The County, which possesses general powers of taxation, has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $5,435,000 Los Angeles County North Valley Building Corporation Leasehold Mortgage Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks. (Comptroller's letter dated Jan. 19, 1970.)

§ 1.250 Los Angeles County Coroner's Building Corporation Leasehold Mortgage Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $6,450,000 Los Angeles County Coroner's Building Corporation Leasehold Mortgage Bonds for purchase, dealing in, underwriting, and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Los Angeles County Coroner's Building Corporation, a California nonprofit corporation acting for the County of Los Angeles, was created to issue its leasehold mortgage bonds to finance the construction on land leased to it by the County of public buildings to be leased to and operated by the County. The Corporation is issuing these bonds to finance the construction of a building and related facilities, including a hospital administration center and facilities for the Chief Medical Examiner—Coroner of the County, and a multilevel parking structure at the Los Angeles County-University of California Medical Center.

(2) The County has unconditionally promised in the lease rental agreement to pay annual lease rentals to the Corporation in an amount sufficient to meet annual interest and principal payments on these bonds, as well as other necessary expenses. The County, which possesses general powers of taxation, has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $6,450,000 Los Angeles County Coroner's Building Corporation Leasehold Mortgage Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks. (Comptroller's letter dated Jan. 19, 1970.)

Dated: January 23, 1970.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 70-1137; Filed, Jan. 28, 1970; 8:49 a.m.]

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—INTEREST ON DEPOSITS

Maximum Rates of Interest

1. Effective January 21, 1970, § 217.7 (Supplement to Regulation Q) is amended to read as follows:

§ 217.7 Maximum rates of interest payable by member banks on time and savings deposits.

Pursuant to the provisions of section 19 of the Federal Reserve Act and § 217.3, the Board of Governors of the Federal Reserve System hereby prescribes the following maximum rates [1] of interest per annum payable by member banks of the Federal Reserve System on time and savings deposits:

(a) *Single maturity time deposits—*
(1) *Deposits of $10C,000 or more.* No member bank shall pay interest on any single maturity time deposit of $100,000 or more at a rate in excess of the applicable rate under the following schedule:

Maturity	*Maximum percent*
30–59 days	6¼
60–89 days	6½
90–179 days	6¾
180 days or more but less than 1 year	7
1 year or more	7½

(2) *Deposits of less than $100,000.* No member bank shall pay interest on any single maturity time deposit of less than $100,000 at a rate in excess of the applicable rate under the following schedule:

Maturity	*Maximum percent*
30 days or more but less than 1 year	5
1 year or more but less than 2 years	5½
2 years or more	5¾

(b) *Multiple maturity time deposits—*
(1) *Deposits payable at intervals of at least 90 days.* No member bank shall pay interest at a rate in excess of 5 percent on a multiple maturity time deposit that is payable only 90 days or more after the date of deposit, or 90 days or more after the last preceding date on which it might have been paid.

(2) *Deposits payable at intervals of less than 90 days.* No member bank shall pay interest at a rate in excess of 4½ percent on a multiple maturity time deposit that is payable less than 90 days after the date of deposit, or less than 90 days (but at least 30 days) after the last preceding date on which it might have been paid.

(c) *Savings deposits.* No member bank shall pay interest at a rate in excess of 4½ percent on any savings deposit.

2a. The changes (1) raise from 4 to 4½ percent the maximum rate of interest a member bank may pay on savings deposits, (2) raise (i) from 5 to 5½ the maximum rate on single maturity time deposits of less than $100,000 with maturity of 1 year but less than 2 years and (ii) from 5 to 5¾ the maximum rate on such deposits with a maturity of 2 years or more, and (3) raise (i) from 6¼ to 7½ percent the maximum rate of interest on a single maturity time deposit of $100,000 or more with maturity of 1 year and (ii) raise by ¾ percent the maximum rate of interest on such a deposit with maturities less than 1 year (30–59 days from 5½ to 6¼; 60–89 days from 5¾ to 6½; 90–179 days from 6 to 6¾, and 180 days to 1 year from 6¼ to 7).

b. The changes were taken within the framework of continued overall credit restraint and were based on these considerations: a readjustment of the structure of maximum interest rates payable by member banks for deposits to bring it somewhat more in line with going yields on market securities; the need for greater equity in the rates that may be paid for smaller savings balances, and a desire to encourage longer-term savings in reinforcement of anti-inflationary measures.

c. The requirements of section 553(b) of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with this amendment because the Board found that the general credit situation and the public interest compelled it to make the action effective no later than the date adopted.

By order of the Board of Governors, January 20, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-1084; Filed, Jan. 28, 1970; 8:45 a.m.]

[1] The limitations on rates of interest payable by member banks of the Federal Reserve System on time and savings deposits, as prescribed herein, are not applicable to any deposit which is payable only at an office of a member bank located outside the States of the United States and the District of Columbia.

[Reg. Q]

PART 217—INTEREST ON DEPOSITS

Entities Exempt From Interest Rate Limitations

1. Section 217.126 is revised to read as follows:

§ 217.126 Foreign, international, and supranational entities exempt from interest rate limitations.

Pursuant to § 217.3(g)(3), the following entities are hereby designated as exempt from § 217.7:

EUROPE

Bank for International Settlements.
European Atomic Energy Community.
European Coal and Steel Community.
The European Communities.
European Development Fund.
European Economic Community.
European Free Trade Association.
European Fund.
European Investment Bank.

LATIN AMERICA

Andean Development Corporation.
Andean Subregional Group.
Caribbean Development Bank.
Caribbean Free Trade Association.
Caribbean Regional Development Agency.
Central American Bank for Economic Integration.
The Central American Institute for Industrial Research and Technology.
Central American Monetary Stabilization Fund.
East Caribbean Common Market.
Latin American Free Trade Association.
Organization for Central American States.
Permanent Secretariat of the Central American General Treaty of Economic Integration.
River Plate Basin Commission.

AFRICA

African Development Bank.
Banque Centrale des Etats de l'Afrique de l'Ouest.
Banque Centrale des Etats de l'Afrique Equatorial et du Cameroun.
Conseil de l'Entente.
East African Community.
Organisation Commune Africaine et Malagache.
Organization of African Unity.
Union des Etats de l'Afrique Centrale.
Union Douaniere et Economique de l'Afrique Centrale.
Union Douaniere des Etats de l'Afrique de l'Ouest.

ASIA

Asia and Pacific Council.
Association of Southeast Asian Nations.
Bank of Taiwan.
Foreign Exchange Bank of Korea.

MIDDLE EAST

Central Treaty Organization.
Regional Cooperation for Development.

§§ 217.142, 217.143 [Revoked]

2. Sections 217.142 and 217.143 are hereby revoked.

(Interprets and applies 12 U.S.C. 371b)

By order of the Board of Governors, January 21, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-1083; Filed, Jan. 28, 1970; 8:45 a.m.]

Chapter III—Federal Deposit Insurance Corporation

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS

Maximum Rates of Interest

1. Sections 329.6 and 329.7 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 329.6, 329.7) are amended and a new § 329.9 (12 CFR 329.9) is added. These amendments are effective January 21, 1970, except paragraph (c) of § 329.6, which is effective January 1, 1970. These amendments read as follows:

§ 329.6 Maximum rates of interest payable on time and savings deposits by insured nonmember banks.

Pursuant to the provisions of section 18 of the Federal Deposit Insurance Act and § 329.3, the Board of Directors of the Federal Deposit Insurance Corporation hereby prescribes the following maximum rates[13] of interest per annum payable by insured nonmember banks on time and savings deposits:

(a) *Single maturity time deposits*—(1) *Deposits of $100,000 or more.* No insured nonmember bank shall pay interest on any single maturity time deposit of $100,000 or more at a rate in excess of the applicable rate under the following schedule:

Maturity	Maximum percent per annum
30–59 days	6¼
60–89 days	6½
90–179 days	6¾
180 days or more but less than 1 year	7
1 year or more	7½

(2) *Deposits of less than $100,000.* No insured nonmember bank shall pay interest on any single maturity time deposit of less than $100,000 at a rate in excess of the applicable rate under the following schedule:

Maturity	Maximum percent per annum
30 days or more but less than 1 year	5
1 year or more but less than 2 years	5½
2 years or more	5¾

(b) *Multiple maturity time deposits*—(1) *Deposits payable at intervals of at least 90 days.* No insured nonmember bank shall pay interest at a rate in excess of 5 percent on a multiple maturity time deposit that is payable only 90 days or more after the date of deposit or 90 days or more after the last preceding date on which it might have been paid.

(2) *Deposits payable at intervals of less than 90 days.* No insured nonmember bank shall pay interest at a rate in excess of 4½ percent on a multiple maturity time deposit that is payable less than 90 days after the date of deposit or less than 90 days, but at least 30 days, after the last preceding date on which it might have been paid.

(c) *Savings deposits.* No insured nonmember bank shall pay interest at a rate in excess of 4½ percent on any savings deposit.

[13] The maximum rates of interest payable by insured nonmember banks on time and savings deposits as prescribed herein are not applicable to any deposit which is payable only at an office of an insured nonmember bank located outside of the States of the United States and the District of Columbia.

§ 329.7 Maximum rates[14] of interest or dividends payable on deposits by insured nonmember mutual savings banks.

* * * * *

(b) *Maximum rates payable*—(1) *General.* Except as provided as subparagraphs (2), (3), and (4) of this paragraph, no insured nonmember mutual savings bank shall pay interest or dividends at a rate in excess of 5 percent per annum on any deposit. Section 329.3(b) relating to modification of deposit contracts to conform to regulations shall apply to insured nonmember mutual savings banks.

(2) *Multiple maturity time deposits payable at intervals of at least 90 days.* No insured nonmember mutual savings bank shall pay interest or dividends at a rate in excess of 5¼ percent per annum on any multiple maturity time deposit that is payable only 90 days or more after the date of deposit or 90 days or more after the last preceding date on which it might have been paid.

(3) *Single maturity time deposits payable at least 90 days from the date of deposit.* No insured nonmember mutual savings bank shall pay interest or dividends on any single maturity time deposit at a rate in excess of the applicable rate under the following schedule:

Maturity	Maximum percent per annum
90 days or more but less than 1 year	5¼
1 year or more but less than 2 years	5¾
2 years of more	6

(4) *Single maturity time deposits of $100,000 or more.* No insured nonmember mutual savings bank shall pay interest or dividends on any single maturity time deposit of $100,000 or more at a rate in excess of the applicable rate under the following schedule:

Maturity	Maximum percent per annum
30–59 days	6¼
60–89 days	6½
90–179 days	6¾
180 days or more but less than 1 year	7
1 year or more	7½

* * * * *

(g) *Time deposits.* The provisions of this Part 329 with respect to "time deposits", except the provisions of § 329.6, shall apply to all such deposits in insured nonmember mutual savings banks as if such banks were insured nonmember banks.

§ 329.9 Savings banks in Massachusetts not insured by FDIC.

(a) *Maximum rates payable, general.* Except as provided in paragraphs (b) and (c) of this section, no mutual savings bank, savings bank, institution for

[14] The maximum rate of interest payable by insured nonmember mutual savings banks as prescribed herein is not applicable to any deposit which is payable only at an office of an insured nonmember mutual savings bank located outside of the States of the United States and the District of Columbia.

savings, or savings institution incorporated as such in the Commonwealth of Massachusetts and not insured by the Federal Deposit Insurance Corporation, hereinafter referred to as "noninsured savings banks," shall pay interest or dividends at a rate in excess of 5½ percent per annum on any deposit.

(b) *Single maturity time deposits payable at least 1 year from date of deposit.* No noninsured savings bank in the Commonwealth of Massachusetts shall pay interest or dividends on any single maturity time deposit at a rate in excess of the applicable rate under the following schedule:

Maturity	Maximum percent per annum
1 year or more but less than 2 years	5¾
2 years or more	6

(c) *Single maturity time deposits of $100,000 or more.* No noninsured savings bank in the Commonwealth of Massachusetts shall pay interest or dividends on any single maturity time deposit of $100,000 or more at a rate in excess of the applicable rate under the following schedule:

Maturity	Maximum percent per annum
30–59 days	6¼
60–89 days	6½
90–179 days	6¾
180 days or more but less than 1 year	7
1 year or more	7½

(d) *Advertising.* The rules in § 329.8 relating to the advertising of interest or dividends on deposits shall apply to noninsured savings banks in the Commonwealth of Massachusetts as if such banks were insured nonmember mutual savings banks.

(e) *Time deposits.* The provisions of this Part 329 with respect to "time deposits", except the provisions of § 329.6, shall apply to all such deposits in noninsured savings banks in the Commonwealth of Massachusetts as if such banks were insured nonmember mutual savings banks.

(Secs. 9, 18(g), 64 Stat. 881–82, 83 Stat. 371; 12 U.S.C. 1819, 1828(g))

2. a. The changes with respect to insured nonmember commercial banks (1) raise from 4 to 4½ percent the maximum rate of interest such banks may pay on savings deposits, (2) raise from 5 to 5½ percent the maximum rate on single maturity time deposits of less than $100,000 with a maturity of 1 year but less than 2 years and from 5 to 5¾ percent the maximum rate on such deposits with a maturity of 2 years or more, and (3) raise from 6¼ to 7½ percent the maximum rate of interest on a single maturity time deposit of $100,000 or more with a maturity of 1 year or more and raise by ¾ percent the maximum rate of interest on such a deposit with maturities less than 1 year (30–59 days from 5½ to 6¼; 60–89 days from 5¾ to 6½; 90–179 days from 6 to 6¾; and from 180 days to less than 1 year from 6¼ to 7).

b. The changes with respect to insured mutual savings banks (1) raise the maximum rate of interest or dividends which such banks may pay on multiple maturity time deposits with maturities of 90 days or more to 5¼ percent, (2) raise the maximum rate of interest or dividends which such banks may pay on single maturity time deposits (i) to 5¼ percent for those with maturities from 90 days to less than 1 year, (ii) to 5¾ percent for those with maturities from 1 year to less than 2 years, and (iii) to 6 percent for those with maturities of 2 years or more, (3) apply the maximum rates which insured nonmember commercial banks may pay on single maturity time deposits of $100,000 or more to insured mutual savings banks, and (4) apply the provisions respecting "time deposits" to insured mutual savings banks as if such banks were insured nonmember commercial banks.

c. The changes with respect to noninsured savings banks in the Commonwealth of Massachusetts, which the Board finds to be the only State with noninsured banks to which its authority applies under the provisions of the Act of December 23, 1969 (Public Law 91–151, 83 Stat. 371), (1) impose a maximum rate of 5½ percent on deposits in such institutions except (i) deposits with maturities of from 1 year to less than 2 years to which a maximum rate of 5¾ percent is applicable, (ii) deposits with maturities of 2 years or more to which a maximum rate of 6 percent is applicable, and (iii) single maturity time deposits of $100,000 or more to which the maximum rates payable by insured mutual savings banks, and insured nonmember commercial banks are applicable, (2) apply the rules relating to the advertising of interest or dividends on deposits to noninsured savings banks in the Commonwealth of Massachusetts as if they were insured nonmember mutual savings banks, and (3) similarly apply the provisions in the regulations with respect to "time deposits" to such institutions as if they were insured nonmember mutual savings banks.

d. The changes in the ceiling rate structure are being taken within the framework of continued credit restraint and do not signal any change in existing anti-inflationary policies. They will provide the small saver in insured nonmember commercial banks and in mutual savings banks with a more equitable rate of return on his savings and bring these depositary institutions into somewhat closer touch with existing market conditions. Combined with concurrent action by the Board of Governors of the Federal Reserve System and the Federal Home Loan Bank Board, the upward realignment of rate ceilings is intended to help maintain the flow of savings into commercial banks and thrift institutions to support housing and other essential financing requirements and have been further designed to minimize any disruptive flows among commercial banks, mutual savings banks, and savings and loan associations.

e. The requirements of section 553(b) of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with this amendment because the Board found that the general credit situation and the public interest compelled it to make the action effective no later than the date adopted.

By order of the Board of Directors, January 20, 1970.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 70–1147; Filed, Jan. 28, 1970; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 70–WE–1–AD; Amdt. 39–931]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707–300, 707–300B, 707–300C, and 707–400 Series Airplanes

There have been cracks and failure of the stabilizer center section front spar terminal fitting lug on the Boeing Model 707–300B and 707–300C Series airplanes due to stress corrosion in the 7079/T6 forging. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the stabilizer center section front spar terminal fitting lug for cracking and replacement if necessary on Boeing Model 707–300, 707–300B, 707–300C, and 707–400 Series airplanes.

Since a situation exists that requires immediate adoption of the regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Boeing Model 707–300, 707–300B, 707–300C, and 707–400 Series airplanes.

To detect cracking in the front spar fitting lug of the stabilizer center section of designated Boeing Model 707 Series airplanes and provide for the installation of parts to correct this condition, accomplish the following:

(a) Within 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 350 hours' time in service, visually inspect the stabilizer center section front spar terminal fittings for cracks in the lugs in accordance with Boeing Alert Service Bulletin No. 2959, dated January 9, 1970 (hereinafter referred to as Boeing ASD 2959) or later FAA-approved revisions or in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(1) If cracks are found, replace the front spar terminal fitting with a new part in accordance with Boeing ASB 2959 (or later FAA-approved revision) before further flight or in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region. After replacement with a serviceable part of the same part number, repeat visual inspection per (2).

(2) If no cracks are found, repeat the inspection for cracks at intervals not to exceed 400 hours' time in service.

(b) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection period of the operator if the request contains substantiating data to justify the increase for the operator.

(c) Airplanes having cracked parts which require replacing under this AD may be flown in accordance with FAR 21.197 with the concurrence of the Chief, Aircraft Engineering Division, FAA Western Region, to a base where the replacement of parts can be accomplished.

This amendment becomes effective January 30, 1970.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, Calif., on January 20, 1970.

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 70-1134; Filed, Jan. 28, 1970; 8:49 a.m.]

[Airworthiness Docket No. 70-WE-02-AD; Amdt. 39-932]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707 and 720 Series Airplanes

There have been reported fatigue failures of the walkway panels located in the lower body lobe on the right side of the nose wheel well between body stations 344 and 352. One such failure resulted in rapid depressurization at cruise altitude, and emergency descent requiring the use of passenger oxygen. Investigation established that the fatigue failure was related to cabin pressurization cycles. The AD therefore provides for a threshold of 14,000 flights for initiation of the inspection. Since this condition is likely to exist or develop in other Model 707 and 720 airplanes, an airworthiness directive is being issued to require inspection and repair to minimize the probability of future panel failures.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to all Model 707 and 720 Series airplanes.

Compliance required within the next 50 hours time in service after the effective date of this AD on aircraft having 14,000 or more flights, unless already accomplished. Aircraft having less than 14,000 flights on the effective date of this AD must be inspected after they have accrued 13,900 flights but no later than 50 hours' time in service after they have accrued 14,000 flights, unless already accomplished during this specified interval.

To prevent walkway panel failures between body stations 344 and 352, accomplish the inspections and repairs if required, in accordance with the instructions in Boeing Service Bulletin 2961, dated January 13, 1970, or later FAA-approved revisions, or an equivalent inspection and repair procedure approved by the Chief, Aircraft Engineering Division, FAA Western Region.

For the purpose of compliance with this AD, the number of flights may be determined by dividing the total flight time on an airplane by the operator's fleet average flight time per flight for the type airplane considered.

Airplanes having cracked panels which require repair under this AD may be flown unpressurized in accordance with FAR 21.197 to a base where the repair or modification can be accomplished.

NOTE: There will be future revisions to this AD which will include repeat inspections and terminating action.

This amendment becomes effective upon publication in the FEDERAL REGISTER.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on January 20, 1970.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[F.R. Doc. 70-1135; Filed, Jan. 28, 1970; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1648]

PART 13—PROHIBITED TRADE PRACTICES

Abe Golomb, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Abe Golomb, Inc., et al., New York, N.Y., Docket C-1648, Dec. 19, 1969]

In the Matter of Abe Golomb, Inc., a Corporation, Abe Golomb Furs, Inc., a Corporation and Abraham Golomb, Individually and as a Former Officer of Said Corporations

Consent order requiring manufacturers of fur products of New York City, to cease misbranding artificially colored fur as natural, falsely invoicing, and furnishing false guaranties that their furs were not misbranded, falsely invoiced or falsely advertised.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Abe Golomb, Inc., a corporation, and its officers, Abe Golomb Furs, Inc., a corporation, and its officers, and Abraham Golomb, individually and as a former officer of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Falsely or deceptively labeling or otherwise falsely or deceptively identifying such fur product by representing directly or by implication that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on invoices that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondents Abe Golomb, Inc., a corporation, and its officers, Abe Golomb Furs, Inc., a corporation, and its officers, and Abraham Golomb, individually and as a former officer of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely

advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporations, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: December 19, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-1087; Filed, Jan. 28, 1970; 8:45 a.m.]

[Docket No. C-1649]

PART 13—PROHIBITED TRADE PRACTICES

Schaffer-Weiner, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Schaffer-Weiner, Inc., et al., New York, N.Y., Docket C-1649, Dec. 19, 1969]

In the Matter of Schaffer-Weiner, Inc., a Corporation, and Harry Weiner and Jack Schaffer, Individually and as Officers of Said Corporation

Consent order requiring manufacturers of ladies' mink garments of New York City, to cease misbranding artificially colored fur as natural, falsely invoicing, and furnishing false guaranties that their fur products were not misbranded, falsely invoiced or advertised.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Schaffer-Weiner, Inc., a corporation, and its officers, and Harry Weiner and Jack Shaffer, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or the manufacture for introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing, directly or by implication, on a label that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing directly or by implication on an invoice that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondents Schaffer-Weiner, Inc., a corporation, and its officers, and Harry Weiner and Jack Schaffer, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 19, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-1088; Filed, Jan. 28, 1970; 8:46 a.m.]

[Docket No. C-1650]

PART 13—PROHIBITED TRADE PRACTICES

Terri-Arnold, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Compositions:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717, secs. 2-5, 54 Stat. 1128-1130, 15 U.S.C. 45, 70, 68) [Cease and desist order, Terri-Arnold Inc., et al., New York, N.Y., Docket C-1650, Dec. 19, 1969]

In the Matter of Terri-Arnold Inc., a Corporation, and Reuben Berliner and Albert Berliner, Individually and as Officers of Said Corporation

Consent order requiring manufacturers of women's and misses' wearing apparel of New York City, to cease misbranding the fiber content of wool products, namely women's jumpers, and failing to maintain proper records showing the fiber content of textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Terri-Arnold Inc., a corporation, and its officers, and Reuben Berliner and Albert Berliner, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Terri-Arnold Inc., a corporation, and its officers, and Reuben Berliner and Albert Berliner, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber products; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from failing to maintain and preserve proper records showing the fiber content of the textile fiber products manufactured by said respondents, as required by section 6 of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: December 19, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-1089; Filed, Jan. 28, 1970; 8:46 a.m.]

[Docket No. C-1651]

PART 13—PROHIBITED TRADE PRACTICES

Weintraub & Rothblat, et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Weintraub & Rothblat, et al., New York, N.Y., Docket C-1651, Dec. 19, 1969]

In the Matter of Weintraub & Rothblat, a Partnership and Jacob H. Weintraub and John Rothblat, Individually and as Copartners Trading as Weintraub & Rothblat.

Consent order requiring manufacturers of fur products of New York City, to cease misbranding and falsely invoicing their products by deceptively labeling and invoicing dyed fur "as color added."

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Weintraub & Rothblat, a partnership, and Jacob H. Weintraub and John Rothblat, individually and as copartners trading as Weintraub & Rothblat or any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the sale, transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing, directly or by implication, on a label that the fur contained in such fur product is "color added" when such fur is dyed.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing directly or by implication on an invoice that the fur contained in such fur product is "color added" or "natural" when such fur is dyed.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: December 19, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-1090; Filed, Jan. 28, 1970; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 70-34]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Reimbursement of Excess Cost of Preclearance Operations

In a notice published in the FEDERAL REGISTER, of August 8, 1969 (34 F.R. 12891), it was proposed that under the authority of section 501 of the Independent Offices Appropriation Act of 1952, 63 Stat. 290 (31 U.S.C. 483a), Part 24 of Customs Regulations (19 CFR Part 24), would be amended to prescribe a charge to airlines for the excess cost of providing preclearance in a foreign country. The notice set forth the manner in which this cost would be determined and the procedure for recovering such cost. After careful consideration of all relevant data, views, and arguments submitted regarding the proposed rule making, the proposal is adopted as published with the following minor changes:

1. The billing method and period are stated more specifically;

2. The excess cost per installation will be computed on a biweekly basis. This figure will be used as the basis for prorating the charge for preclearance service to the various airlines and will replace the per officer cost per installation. This will not change the excess cost figure or the method of proration but will eliminate an unnecessary step in obtaining this figure.

Accordingly, Part 24 is amended by adding a new § 24.18 reading as follows:

§ 24.18 Preclearance of air travelers in a foreign country; reimbursable cost.

(a) Preclearance is the tentative examination and inspection of air travelers and their baggage at foreign places where U.S. Customs personnel are stationed for that purpose.

(b) At the request of an airline, travelers on a direct flight to the United States from a foreign place described in paragraph (a) of this section may be precleared prior to departure from such place. A charge based on the excess cost to Customs of providing preclearance services as defined in paragraph (c) of this section shall be made to the airline.

(c) The reimbursable excess cost is the difference between (1) the cost of examining and inspecting air travelers and their baggage upon arrival in the United States assuming no preclearance

was provided, and (2) the cost of providing preclearance for air travelers at the place of departure. Such excess cost shall include all items attributable to the preclearance operation. This does not include the salary of personnel regularly assigned to a preclearance station other than approved salary differentials related to the foreign assignment and the salary of relief details made necessary by reason of the nature of the operation. In addition, such cost shall include the following allowances and expenses:

(1) Housing allowances;

(2) Post of duty allowances;

(3) Education allowances;

(4) Transportation costs incident to the assignment to the foreign station and return, including transportation of family and household effects;

(5) Home leave and associated transportation costs; and

(6) Equipment, supplies and administrative costs including costs of supervising the preclearance installation.

(d) The reimbursable excess cost described in paragraph (c) of this section shall be determined for each preclearance installation. On the basis of the excess cost figure for each installation, the excess cost of providing preclearance service for a biweekly pay period shall be determined. The initial schedule of biweekly excess cost will be based on the actual excess cost for fiscal year 1969. Thereafter, a quarterly (ending with the pay period closely corresponding to June 30, September 30, December 31, and March 31) cost analysis will be conducted and the schedule of biweekly excess costs will be adjusted so that the current biweekly excess cost schedule will reflect the actual excess costs of the previous quarter. Such schedules of biweekly costs for each installation shall be published in the FEDERAL REGISTER. The biweekly excess cost in effect at an installation at the time the charge is made shall be used in calculating the prorated charge for preclearance service for each airline in accordance with paragraph (e) of this section.

(e) The charge to each airline for preclearance service shall be its prorated share of the applicable excess cost prorated to the aircraft receiving such services during the billing period on the following basis:

(1) Five percent shall be distributed equally among the airlines serviced.

(2) Ten percent shall be distributed proportionately as the number of clearances serviced bears to the total number of clearances.

(3) Eighty-five percent shall be distributed proportionately as the number of passengers and/or crew serviced for each airline bears to the total number of passengers and/or crew serviced.

(f) Customs services for which overtime compensation is provided for by section 5 of the Act of February 13, 1911, as amended (19 U.S.C. 267), and the expenses recovered thereunder are governed by § 24.15 and are in no way affected by this section. (63 Stat. 290; 31 U.S.C. 483a)

(80 Stat. 379; 5 U.S.C. 301)

This initial schedule of biweekly excess cost for each installation described in § 24.18(d), is set forth below:

This schedule will remain in effect until publication in the FEDERAL REGISTER of a quarterly schedule pursuant to § 24.18(d).

INITIAL SCHEDULE OF BIWEEKLY REIMBURSABLE EXCESS COSTS FOR EACH PRECLEARANCE INSTALLATION

Installation	Excess cost of preclearance fiscal year 1969	Biweekly excess cost
Montreal, Canada	$69,774	$2,684
Toronto, Canada	105,964	4,075
Kindley Field, Bermuda	27,989	1,077
Nassau, Bahama Islands	84,287	3,242
Vancouver, Canada	33,764	1,299
Winnipeg, Canada	6,723	259

Effective date. This amendment shall become effective on the first day of the first pay period beginning 30 days after publication of this amendment in the FEDERAL REGISTER.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: January 20, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-1138; Filed, Jan. 28, 1970; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Combinations of Nutritive and Nonnutritive Sweeteners in "Diet Beverages"

In the FEDERAL REGISTER of November 25, 1969 (34 F.R. 18820), the Commissioner of Food and Drugs proposed issuance of a statement of policy regarding proper composition and labeling, from the standpoint of application of the Federal Food, Drug, and Cosmetic Act, of so-called "diet beverages" made from mixtures of nutritive sweeteners and saccharin or its salts. In response thereto, 27 comments have been received.

One bottling firm and two organizations associated with the sugar industry filed comments opposing use of any combination of nutritive and nonnutritive sweeteners. Two of these stated that partial substitution of an artificial sweetener for sugar would constitute economic adulteration and that such combinations would not be of value in the diets of diabetics. One comment included a statement that adoption of the proposed policy would contribute to consumer confusion and possible deception. The Commissioner concludes that the Food and Drug Administration lacks authority to prohibit the sweetening of beverages with mixtures of sugar and artificial sweeteners if the beverage is useful in calorie-restricted diets and is properly labeled. Substitution of a nonnutritive artificial sweetener for sugar may constitute economic adulteration if a beverage is not suitable for and properly labeled as a food for use in a calorie-restricted diet. Such articles for general use can be proceeded against under the provisions of the act.

One firm filed comment opposing the application of special labeling requirements to soft drinks, claiming that this was unfair to the soft drink industry; however, no information was submitted to show how this person would be adversely affected.

Four comments were filed dealing with the requirement that the product be so formulated that its caloric value is at least 50 percent less than the caloric value of the comparable product made without artificial sweeteners. One favored and three opposed this requirement. Those opposing question inclusion of a ruling concerning an issue on which testimony is being presented in the hearing on foods for special dietary use. The Commissioner concludes that some such requirement is essential to prevent consumer confusion and misunderstanding abount the value of such beverages in a calorie-restricted diet. Should the findings of fact in the hearing result in a different conclusion, the regulation based on such finding will prevail.

Two State agencies and the Maryland Diabetic Association, Inc., filed comments expressing general agreement with the proposal but recommending that the label statement "Not for use by diabetics without advice of a physician" should be supplemented by additional information or by a shorter declaration, "Diabetics Note," in bold type immediately preceding the statement on dietary properties. The Commissioner concludes that the statements as specified in his proposal should be adopted.

Another comment included a discussion of the wide ranges in caloric content of various carbonated beverages and claimed that consumers might be confused by similar variations in the caloric content of articles with 50 percent fewer calories. Another comment explains that certain foods because of their high caloric content are of no value in a calorie-reduced diet. The Commissioner concludes that a beverage should not be offered as of value in a calorie-reduced diet unless its caloric content is reduced by 50 percent or if it provides more than 6 calories per fluid ounce.

One comment filed by a flavor manufacturer recommended that the statement permit use of combinations of glycine and saccharin to sweeten soft drinks. Although glycine occurs naturally in certain foods, it is not generally recognized as safe for use in combination with saccharin to sweeten soft drinks; therefore, it will be necessary to promulgate a regulation to establish safe conditions of use. The Food and Drug Administration is prepared to consider a petition under section 409 of the act for a food additive regulation supported by adequate data to establish safe conditions of use.

The provision in the proposal which elicited the greatest number of comments, all opposing, was the ban on use of hexitols such as sorbitol and mannitol. Among the arguments advanced for use of sorbitol (or mannitol) in combination with saccharin in soft drinks were the following:

1. Much less sorbitol than sugar is needed to mask the unpleasant taste of saccharin. This makes possible the formulation of drinks with lower caloric content than can be formulated with sugar(s).

2. Sorbitol at levels between 1½ and 2 percent gives beverages more "body," thus making them more palatable.

All proponents of the use of sorbitol or mannitol in beverages argued that if labeling to adequately inform and not mislead diabetics can be devised for beverages containing combinations of sugar with saccharin, it should be possible to do the same for beverages containing sorbitol (or mannitol) and saccharin. The Commissioner concludes that use of sorbitol or mannitol should be provided for under labeling that adequately informs but does not mislead prospective purchasers and consumers. The statement has been changed accordingly.

One comment was filed suggesting that paragraph (a) be amended to provide for use of safe color additives as well as food additives, and this suggestion has been adopted.

The National Soft Drink Association suggested that paragraph (c) be changed by adding "for at least one (1) year following the time such product is introduced in a given market," and this has been done.

Several comments included requests for clarification of the paragraph concerning continued use of stocks of containers already lithographed or otherwise printed. A proposal to specify conditions under which such containers may continue to be used was published in the FEDERAL REGISTER of January 9, 1970 (35 F.R. 362).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 403, 409, 701(a), 52 Stat. 1047–48, as amended, 1055, 72 Stat. 1784–89, as amended; 21 U.S.C. 321(s), 343, 348, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), the following new section is added to Part 3:

§ 3.72 Combinations of nutritive and nonnutritive sweeteners in "diet beverages."

As a result of the removal of cyclamic acid and its salts from the list of substances generally recognized as safe (§ 121.101 of this chapter) by an order published in the FEDERAL REGISTER of October 21, 1969 (34 F.R. 17063), the Commissioner of Food and Drugs has received inquiries as to the proper composition and labeling, from the standpoint of application of the Federal Food, Drug, and Cosmetic Act, of so-called "diet beverages" that will be made from mixtures of nutritive sweeteners and saccharin or its salts. The Commissioner concludes that:

(a) Any "diet beverage" or diet beverage base made with combinations of nutritive and nonnutritive sweeteners must be so formulated that each ingredient is one which is generally recognized as safe and is not a food additive as defined in section 201(s) or a color additive as defined in section 201(t) of the act, or if it is a food additive or a color additive as so defined, is used in accordance with a regulation established pursuant to section 409 or 706 of the act.

(b) The product is to be so formulated that its caloric value is at least 50 percent less than the caloric value of the comparable product made without artificial sweeteners. In no case shall the beverage provide more than 6 calories per fluid ounce.

(c) If it is to be marketed under a name heretofore used on a product represented to have no, or only a few, calories per serving, the name shall be modified by the word "new" for at least 1 year following the time such product is introduced in a given market.

(d) (1) The label must bear a complete statement of ingredients except that spices, flavorings, and colorings may be designated as such without naming each.

(2) The label must bear a statement of the caloric content per fluid ounce, the carbohydrate content per fluid ounce, a statement of the percentage of saccharin or saccharin salt used, and the statement "Contains _____ mg. saccharin (or saccharin salt, as the case may be) per ounce, a nonnutritive artificial sweetener."

(3) To further avoid injury through inadvertent use by diabetics in the belief that the product does not contain carbohydrates, the label of a beverage containing sugar(s) must bear the statement "Contains sugar(s); not for use by diabetics without advice of a physician."

(4) To avoid confusion by diabetics, the label of a beverage containing sorbitol, mannitol, or other hexitol, must bear the statement "Contains carbohydrates, not for use by diabetics without advice of a physician." To further avoid confusion of these beverages with those sweetened solely with nonnutritive artificial sweeteners which have been marketed in containers bearing prominent statements such as "sugar free," "sugarless," or "no sugar," the labels of beverages containing hexitols must not bear these or similar statements.

(Secs. 201(s), 403, 409, 701(a), 52 Stat. 1047–48, as amended, 1055, 72 Stat. 1784–89, as amended; 21 U.S.C. 321(s), 343, 348, 371(a))

Dated: January 22, 1970.

CHARLES C. EDWARDS,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 70–1127; Filed, Jan. 28, 1970; 8:48 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Dioxathion

A petition (PP 0F0876) was filed with the Food and Drug Administration by Hercules, Inc., Wilmington, Del. 19899, proposing establishment of tolerances for negligible residues of the insecticide dioxathion in or on the raw agricultural commodities stone fruits and walnuts at 0.14 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given data submitted in this petition and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.171 is amended by inserting after the paragraph "1 part per million * * *" a new paragraph as follows:

§ 120.171 Dioxathion; tolerances for residues.

* * * * *

0.14 part per million (negligible residue) in or on stone fruits and walnuts.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 19, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–1125; Filed, Jan. 28, 1970; 8:48 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Norea

A petition (PP 0F0871) was filed with the Food and Drug Administration by Hercules, Inc., Wilmington, Del. 19899, proposing establishment of a tolerance of 0.2 part per million for negligible residues of the herbicide norea in or on the raw agricultural commodity potatoes.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which the tolerance is being established.

Based on consideration given data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. Since residues from the proposed and established uses of the pesticide are not reasonably expected to transfer to eggs, meat, milk, and poultry, tolerances regarding these items are unnecessary. The usage is in the category specified in § 120.6(a)(3).

2. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.260 is revised to read as follows to include potatoes:

§ 120.260 Norea; tolerances for residues.

Tolerances are established for negligible residues of the herbicide norea (3 - (hexahydro - 4,7 - methanoindan - 5-yl)-1,1-dimethyl urea) in or on the raw agricultural commodities cottonseed, potatoes, sorghum (cane, forage, and grain), soybeans, spinach, and sugarcane at 0.2 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 19, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-1124; Filed, Jan. 28, 1970; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Subpart A—Procedural and Interpretative Regulations

EXEMPTION OF NEW-DRUG SUBSTANCES INTENDED FOR HYPERSENSITIVITY TESTING

In response to the notice published in the FEDERAL REGISTER of October 1, 1969 (34 F.R. 15298), proposing exemption under certain conditions of new-drug substances shipped in interstate commerce for hypersensitivity testing from Part 130 new-drug investigational requirements, four comments were received which supported the proposal and suggested minor changes.

Having considered the comments and other relevant information, the Commissioner of Food and Drugs concludes that the proposal should be adopted. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502(f), 505, 701(a), 52 Stat. 1051–53, as amended, 1055; 21 U.S.C. 352(f), 355, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), the following new section is added to Part 130, Subpart A:

§ 130.41 New-drug substances intended for hypersensitivity testing.

(a) The Food and Drug Administration is aware of the need in the practice of medicine for the ingredients of a new drug to be available for tests of hypersensitivity to such ingredients and therefore will not object to the shipment of a new-drug substance, as defined in § 130.1(g), for such purpose if all of the following conditions are met:

(1) The shipment is made as a result of a specific request made to the manufacturer or distributor by a practitioner licensed by law to administer such drugs, and the use of such drugs for patch testing is not promoted by the manufacturer or distributor.

(2) The new-drug substance requested is an ingredient in a marketed new drug and is not one that is an ingredient solely in a new drug that is legally available only under the investigational drug provisions of this part.

(3) The label bears the following prominently placed statements in lieu of adequate directions for use and in addition to complying with the other labeling provisions of the act:

(i) "Caution: Federal law prohibits dispensing without a prescription"; and

(ii) "For use only in patch testing."

(4) The quantity shipped is limited to an amount reasonable for the purpose of patch testing in the normal course of the practice of medicine and is used solely for such patch testing.

(5) The new-drug substance is manufactured by the same procedures and meets the same specifications as the component used in the finished dosage form.

(6) The manufacturer or distributor maintains records of all shipments for this purpose for a period of 2 years after shipment and will make them available to the Food and Drug Administration on request.

(b) When the requested new-drug substance is intended for investigational use in humans or the substance is legally available only under the investigational drug provisions of this Part 130, the submission of a "Notice of Claimed Investigational Exemption for a New Drug" (IND) is required. The Food and Drug Administration will offer assistance to any practitioner wishing an exemption (see § 130.3), and administrative procedures will be made as simple as possible.

(c) This section does not apply to drugs or their components that are subject to the licensing requirements of the Public Health Service Act of 1944, as amended, administered by the Division of Biologics Standards, National Institutes of Health.

Since this order relaxes existing requirements under specified conditions, delayed effective date is unnecessary for this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Secs. 502(f) 505, 701(a), 52 Stat. 1051–53, as amended, 1055; 21 U.S.C. 352(f), 355, 371(a))

Dated: January 21, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-1126; Filed, Jan. 28, 1970; 8:48 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 69—PROFESSIONS AND OCCUPATIONS

Continuation of Board; Appointment, Qualifications, Terms, and Removal of Members; Vacancies

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 69.11 is amended by revising the second sentence thereof. As amended, § 69.11(a) reads as follows:

§ 69.11 Continuation of Board; appointment, qualifications, terms, and removal of members; vacancies.

(a) There is continued within the agency known as the Canal Zone Government, the Canal Zone Board of Registration for Architects and Professional Engineers, which shall administer the provisions of this subpart. The Board,

to be appointed by the Governor, shall consist of 1 registered architect, 3 professional engineers, and a fifth member who may be either a registered architect or a professional engineer. A person, to be eligible for appointment to the Board, shall be a citizen of the United States and at the time of his appointment shall have been actively engaged in the lawful practice of architecture or engineering for at least 12 years and shall have been in responsible charge of important architectural or engineering work for at least 5 years next preceding this appointment, and shall be a registered architect or professional engineer as provided by this subpart. Insofar as is practicable, the engineer members shall include one representative for each of the civil, electrical, and mechanical branches of engineering. Each member of the Board shall receive a certificate of his appointment from the Governor, and before beginning his term of office shall file with the Office of the Governor his written oath for the faithful discharge of his official duty.

* * * * *

(2 Canal Zone Code 1172, 76A Stat. 41)

Date signed: December 19, 1969.

[SEAL] W. P. LEBER,
Governor.

[F.R. Doc. 70-1108; Filed, Jan. 28, 1970; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

[Ex Parte No. MC 19 (Sub-No. 4)]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Accessorial or Terminal Services, Tariffs Providing Therefor, Packaging and Uncrating Charges; Extension of Time for Filing Petitions

In the matter of amendment of § 1056.4 *General rules and regulations of motor carriers of household goods.*[1]

Present: George M. Stafford, Chairman, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of a request by attorney for proponents for an extension of the time within which petitions for reconsideration, rehearing, or reargument may be filed in the said proceeding; and good cause appearing:

It is ordered, That the time within which petitions for reconsideration, rehearing, or reargument may be filed be, and it is hereby, extended to February 20, 1970;

It is further ordered, That replies to petitions may be filed on or before March 12, 1970.

Dated at Washington, D.C., this 21st day of January 1970.

[1] Formerly numbered as § 276.4.

By the Commission, Chairman Stafford.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-1156; Filed, Jan. 28, 1970; 8:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Clarence Cannon National Wildlife Refuge, Mo.

On page 19468 of the FEDERAL REGISTER of December 9, 1969, there was published a notice of a proposed amendment to 50 CFR 32.11, 32.21, and 32.31. The purpose of this amendment is to provide public hunting of migratory game birds, upland game, and big game on certain areas of the National Wildlife Refuge System, as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 7, 80 Stat. 929, 16 U.S.C. 715i; Sec. 4, 80 Stat. 927, 16 U.S.C. 668dd (c), (d))

1. Section 32.11 is amended by the the following addition:

§ 32.11 List of open areas; migratory game birds.

* * * * *

MISSOURI

Clarence Cannon National Wildlife Refuge.

* * * * *

2. Section 32.21 is amended by the the following addition:

§ 32.21 List of open areas; upland game.

* * * * *

MISSOURI

Clarence Cannon National Wildlife Refuge.

* * * * *

3. Section 32.31 is amended by the following additions:

§ 32.31 List of open areas; big game.

* * * * *

MISSOURI

Clarence Cannon National Wildlife Refuge.

* * * * *

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 23, 1970.

[F.R. Doc. 70-901; Filed, Jan. 28, 1970; 8:45 a.m.]

PART 33—SPORT FISHING

Certain Wildlife Refuges in Alabama and Florida

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ALABAMA

CHOCTAW NATIONAL WILDLIFE REFUGE

Sport fishing on the Choctaw National Wildlife Refuge, Jackson, Ala., is permitted only on the areas designated by signs as open to fishing. These open areas are shown on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from February 15, 1970, through November 30, 1970.

(2) Fishing is permitted during daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through November 30, 1970.

FLORIDA

MERRITT ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Merritt Island National Wildlife Refuge, Titusville, Fla., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 36,506 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except for the following special conditions:

(1) Sport fishing is permitted on the open areas year round except during the waterfowl hunting season when fishing is limited to the open waters of Mosquito Lagoon, Banana Creek, and the ocean beach.

(2) Bank fishing along Banana Creek is prohibited.

(3) Fishing may be prohibited at certain times in all or part of Mosquito Lagoon, Banana Creek, and along the ocean beach when safety and operational factors by NASA so require. At such times the areas will be posted as closed.

(4) Fishermen may not leave fishing rods and/or poles unattended.

(5) Air-thrust boats are prohibited. Inboard and outboard boats are permitted in the waters open to fishing, except in areas specifically designated by suitable posting by the refuge officer-in-charge as closed to motor boat operation.

(6) Fishing is permitted on the open waters of Mosquito Lagoon and the ocean beach 24 hours a day. Access to the other areas is permitted only during the period

from 1 hour before sunrise to 1 hour after sunset.

(7) Taking of any fish with spears or bow and arrow is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through December 31, 1970.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 22, 1970.

[F.R. Doc. 70-1129; Filed, Jan. 28, 1970; 8:49 a.m.]

PART 33—SPORT FISHING

Catahoula National Wildlife Refuge, La.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

LOUISIANA

CATAHOULA NATIONAL WILDLIFE REFUGE

Sport fishing on the Catahoula National Wildlife Refuge, Jonesville, La., is permitted only on the area designated by signs as open to fishing. The open area, comprising the main channel of Cowpen Bayou is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 28, 1970, through October 31, 1970.

(2) Fishing permitted from 30 minutes before sunrise to 30 minutes after sunset.

(3) No outboard motors, either gasoline or electric, will be permitted.

(4) Boats may not be left in the refuge overnight.

(5) No camping or campfires permitted.

(6) No firearms permitted on the refuge.

The provisions of this special regulation supplement the regulations which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 31, 1970.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 22, 1970.

[F.R. Doc. 70-1130; Filed, Jan. 28, 1970; 8:49 a.m.]

PART 33—SPORT FISHING

Certain Wildlife Refuges in North Carolina, South Carolina, and Virginia

The following special regulations are issued and are effective upon date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH CAROLINA

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

Sport fishing on the Mattamuskeet National Wildlife Refuge, New Holland, N.C., is permitted in all areas except those designated by signs as closed areas. Open areas, comprising 40,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from January 16, 1970, through the day before the opening of the 1970 waterfowl hunting season.

(2) As an exception to (1) above, the following areas are open to bank fishing during the entire year:

(a) 100 yards on each side of the road right-of-way on State Highway 94 which crosses the lake.

(b) In the immediate vicinity of the Lake Landing water control structure.

(c) In the immediate vicinity of the Outfall Canal water control structure at Mattamuskeet Lodge.

(3) Herring dipping will be permitted from February 15, 1970, to May 15, 1970, from the canal banks and water control structures in the immediate vicinity of the following locations only:

(a) Waupoppin Canal Control Structure—daylight hours only.

(b) Outfall Canal Control Structure—daylight hours only.

(c) Lake Landing Canal Control Structure—24 hours a day.

(4) Certain areas will be posted as closed to motor boats to prevent disturbance in prime spawning areas and damage to unstable canal banks.

(5) Certain areas will be posted as closed areas both prior to and after the waterfowl hunting season to permit banding of migratory waterfowl.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1970.

PEE DEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Pee Dee National Wildlife Refuge, Wadesboro, N.C., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 8 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from April 1, 1970, through September 30, 1970.

(2) Bank fishing only is allowed.

(3) Fishing permitted during daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1970.

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Bulls Island Unit of the Cape Romain National Wildlife Refuge, McClellanville, S.C., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 610 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1970, through September 30, 1970.

(2) Fishing permitted during daylight hours only.

(3) Boats with electric motors permitted; gasoline powered engines prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1970.

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

Sport fishing on the Carolina Sandhills National Wildlife Refuge, McBee, S.C., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 92 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from January 1, 1970 through December 31, 1970 on Lake Bee; from March 15, 1970 through October 15, 1970, on Martin's Lake, Lake 12, Lake 17,

Black Creek Bridge Area—Wire Road, Black Creek Bridge Area—Catarrh Road, Black Creek Bridge Area—U.S. Highway No. 1 and Black Creek Bridge Area—State Road 145; from June 15, 1970, through October 15, 1970 on Lake 16.

(2) Fishing permitted from one-half hour before official local sunrise until one-half hour after official local sunset.

(3) Boats with electric motors permitted; gasoline powered engines prohibited.

(4) All boats and fishermen must remain at least 30 feet away from wood duck nesting boxes or goose nesting areas. Nesting areas in Martin's Lake are closed and posted with Closed Area signs.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1970.

SANTEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Santee National Wildlife Refuge, Summerton, S.C., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 3,150 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1970, through October 31, 1970, on Jacks Creek, Dingle Pond, Taw Caw Creek, Potato Creek, and Pinopolis Pool Impoundments.

(2) Fishing permitted during daylight hours only.

(3) Boats with motors prohibited. Boats must be removed from the refuge at the close of each day unless permission is granted by the refuge officer-in-charge.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 31, 1970.

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Public sport fishing, crabbing, and clamming, in accordance with Virginia regulations, is permitted on the Chincoteague National Wildlife Refuge, Va., subject to the following conditions:

(1) Open areas: (a) Surf fishing—the entire beach front, except those areas designated by signs as areas closed to fishing. (b) Fishing and crabbing—from the impoundment banks designated as open to fishing. (c) Clamming—the area between high and low tide marks in Tom's Cove, except as posted closed.

(2) Permits: A permit is required for fishing from 10 p.m. to sunrise; no permit is required at other times.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective until December 31, 1970.

MACKAY ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Mackay Island National Wildlife Refuge, Va., is permitted only on the areas, designated by signs as open to fishing. These open areas, comprising 720 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 16, 1970, through October 17, 1970. Fishing is permitted in Corey's Ditch and in the canal adjacent to the Knotts Island Causeway on a year-round basis for bank fishing only.

(2) Fishing permitted during daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1970.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 22, 1970.

[F.R. Doc. 70-1128; Filed, Jan. 28, 1970; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

FIRE ISLAND NATIONAL SEASHORE, N.Y.

Vehicular Use

Notice is hereby given that, pursuant to the authority vested in the Secretary of the Interior by section 3 of the Act of August 25, 1916, as amended (39 Stat. 535; 16 U.S.C. 3), and in order to further implement the purposes of the Act of September 11, 1964 (78 Stat. 928; 16 U.S.C. 459e), authorizing the establishment of the Fire Island National Seashore, it is proposed to amend Part 7, Chapter I, Title 36, Code of Federal Regulations as hereinafter set forth.

The proposed amendments would require all applicants for National Seashore permits to obtain a village beach buggy permit before a seashore permit could be issued if their route of travel entered or passed through the Villages of Ocean Beach or Saltaire. The current requirement for obtaining a town permit would not be changed.

The standard hours of travel would be applied to public beach taxis in the western zone of the seashore. Between Cherry Grove and Davis Park, beach taxis would be allowed to operate only from 6 p.m. of one day to 9 a.m. of the following day. Elsewhere such vehicles would be restricted solely to providing ingress or egress for householders whose tenure is specifically authorized by law.

The proposed amendments would also rule out the use of personal vehicles to reach beach houses in the developed communities during the summer months when water transportation is available. One section of the present regulation would be deleted since it applies only to lands east of Smith Point.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Assistant Superintendent, Fire Island National Seashore, Box 229, Patchogue, N.Y. 11772, within 30 days after the publication of this notice in the FEDERAL REGISTER.

THOMAS NORRIS, Jr.,
Acting Superintendent,
Fire Island National Seashore.

Section 7.20 of Chapter I, Title 36 of the Code of Federal Regulations is amended as follows:

§ 7.20 **Fire Island National Seashore.**

(a) *Operation of motor vehicles.* * * *

(2) *Permits.* * * *

(vii) No permit will be issued by the Superintendent for any motor vehicle until the applicant has first secured from the towns of Brookhaven and/or Islip (and if required from the villages of Ocean Beach and/or Saltaire also) an appropriate permit covering the same activity, vehicular use, and area of use for which a seashore permit is requested.

(3) *Authorized and prohibited travel.* * * *

(vi) Travel on seashore lands by motor vehicles for hire is permitted except that use by such vehicles between Robert Moses State Park and the westerly boundary of Cherry Grove is restricted to the times of travel provided for in subdivision (i) of this subparagraph. Travel on seashore lands by such vehicles between the westerly boundary of Cherry Grove and the easterly boundary of Ocean Ridge is permitted from May 15 through November 10, inclusive; daily at any hour, but not 9 a.m. to 6 p.m. Saturdays and Sundays and use by such vehicles between the easterly boundary of Ocean Ridge and the westerly boundary of Smith Point County Park shall be limited to providing service to persons residing therein in the exercise of their prior existing rights of ingress and egress.

(vii) Travel on seashore lands by all other vehicles between Robert Moses State Park and the westerly boundary of Water Island is prohibited from May 15 through September 14 inclusive. At all other seasons of the year such travel in this zone may be permitted subject to the hourly restrictions provided for in subdivision (i) of this subparagraph. Travel on seashore lands by such vehicles between the easterly boundary of Ocean Ridge and the westerly boundary of Smith Point County Park is prohibited, except under prior existing rights of ingress and egress. However, during the period of September 15 through May 14 such vehicles may, for recreational purposes, travel over seashore lands at any time on the beach along the Atlantic Ocean between Smith Point County Park and Long Cove. No such vehicle may travel farther inland from the ocean than the base of the dunes.

(viii) [Deleted]

* * * * *

[F.R. Doc. 70-1132; Filed, Jan. 28, 1970; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18758; RM-1514]

TELEVISION BROADCAST STATIONS

Table of Assignments, Hugo, Okla., and Paris, Tex.; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.606, *Table of Assignments,* Television Broadcast Stations (Hugo, Okla. and Paris, Tex.); Docket No. 18758, RM-1514.

1. On October 10, 1969, public notice (Report No. 688) was given of the filing of a petition for rule making (RM-1514) by Eastern Oklahoma Television Co., Inc. (Eastern), licensee of television Station KTEN, Channel 10, Ada, Okla., requesting the replacement of educational Channel *15 with educational Channel *42 at Hugo, Okla., and the assignment of Channel *15, presently at Hugo, to commercial use as a hyphenated assignment at Hugo, Okla.-Paris, Tex.

2. The dates designated for filing comments and reply comments are January 12, and January 22, 1970, respectively. On January 19, 1970, Eastern Oklahoma Television Co., Inc., requested an extension of time to and including February 24, 1970 in which to file reply comments.

3. Eastern states that the requested additional time is needed in order to gather material to be used in the preparation of a reply to comments and counterproposal filed by the Oklahoma Educational Television Authority. Oklahoma Educational Television Authority indicates that it will interpose no objection to the requested extension.

4. It appears that the requested additional time is warranted and would serve the public interest. *Accordingly, it is ordered,* That the time for filing reply comments to the petition for rule making filed by Eastern Oklahoma Television Co., Inc., is extended to and including February 24, 1970.

5. The action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: January 23, 1970.

Released: January 23, 1970.

[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 70-1146; Filed, Jan. 28, 1970; 8:50 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 104, 105, 201, 204, 205]

[Docket No. R-379]

ACCOUNTING TREATMENT FOR LAND HELD FOR FUTURE USE AND FOR SALES

Notice of Proposed Rule Making

JANUARY 22, 1970.

1. Notice is hereby given, pursuant to section 553 of title 5 of the United States Code and sections 301, 302, 303, and 309 of the Federal Power Act (49 Stat. 854, 855, 858, 885, 16 U.S.C. 825, 825a, 825b, 825h), and sections 8, 9, and 16 of the Natural Gas Act (52 Stat. 825, 826, 830, 15 U.S.C. 717g, 717h, 717o), that the Federal Power Commission is proposing to amend its Uniform System of Accounts prescribed under the Federal Power Act and the Natural Gas Act for licensees, public utilities and natural gas companies to revise the requirement for recording plant in Account 105, Electric (Gas) Plant Held for Future Use, and to establish new accounts for recording the profits or losses realized through the sale of plant held for future utility use.

2. In recent years, our attention has been directed to the concern of utility companies over the growing scarcity of land available for plantsites, transmission lines, and other utility functions. The scarcity of land for these purposes is due, inter alia, to the increase in population, the growing use of waterfront property for recreational, residential, and industrial sites, and the expanding economy of our country. In addition, the problem is compounded by objections raised to proposed locations of utility properties on the basis of conservation, safety, aesthetics, and other grounds. Consequently, land that is available for utility use is obtainable only at increased costs, which are eventually paid by consumers. It appears that this situation will continue into the future.

3. At present, utility companies under our jurisdiction have been acquiring land under short range planning to meet the present accounting and ratemaking criteria for inclusion in Account 105, Electric (Gas) Plant Held for Future Use, and in rate base. The present requirement for Account 105 permits the land costs to be included therein, if the land purchased was part of a "definite plan" for its use. Periods of less than 10 years have generally been regarded as being part of a company's "definite plan." Ratemaking practice is generally consistent with this accounting procedure. However, under the current economic conditions, we believe that our present accounting and ratemaking policies may be inadequate to meet the future public interest needs of the utility companies and their consumers. Accordingly, we are proposing to revise those policies, to the extent possible, in order to encourage utility management to acquire land for long range utility needs.

4. To meet the future needs of licensees, electric utilities, natural gas companies, and the public, we are considering a revision of, and amendments to, the Uniform System of Accounts prescribed for licensees, electric utilities, and natural gas companies. Specifically, we are considering the revision of Account 105, Electric (Gas) Plant Held for Future Use, by deleting therefrom the requirement pertaining to "definite plan," which will permit the recording therein of land acquired under long range planning.[1] We are not here considering any change in the present accounting treatment of leases acquired for natural gas supply. Accordingly we are considering a new account, Production Properties Held for Future Use, for natural gas companies in order to retain the present accounting procedure for those leases and to provide an appropriate account for leases acquired after October 7, 1969, in accordance with Commission Opinion No. 568 issued October 7, 1969.

5. In general, it will be our policy to allow the ratemaking treatment of land held for future use to track the accounting treatment prescribed therefore, insofar as such treatment is consistent with the evidence developed in individual cases. It is our intention in following such policy to provide impetus to utility management for prudent acquisition of land for utility purposes well in advance of specific construction needs. This policy, in our opinion, will benefit the consumers in the long run through reducing land costs and assuring sites for future expanded utility needs.

6. We believe this policy will best serve the public interest if electric utilities and natural gas companies acquire land with a view toward preserving environmental quality. To this end, we would encourage all jurisdictional companies to consult with appropriate planning agencies concerned with the orderly development of land within their service areas. In our opinion, the principles set forth herein provide an opportunity for jurisdictional companies to take an important step to establish a beneficial working relationship between agencies concerned with land use planning and utilities.

7. In revising our accounting treatment of these land acquisitions, as herein contemplated, we are aware of certain problems that may arise. If these land acquisitions are included in the utility's rate base, the consumer will then be required to pay, in current rates, return on property that will not be used to provide service until many years later. After years of such payment, the need for that land may be obviated, and management may then sell or otherwise dispose of the land for a profit or loss, thus raising the problem: Should the stockholder or the consumer realize the profit or absorb the loss? Under present Commission policy, gains or losses from sales of property are generally treated as nonutility transactions. However, since we propose to liberalize the criteria under which land will be recorded in Account 105, we believe that our present policy on treatment of the gains and losses from the sale or other disposition of that type of property should be reevaluated. We are presently considering several alternatives. We solicit comments by interested persons on the alternatives discussed below as to the proper method to be adopted by this Commission.

8. First, we are considering a procedure (Proposal A) that will be adaptable for permitting the gains or losses from the sale of property recorded in Account 105 to accrue to the ratepayers. This alternative recognizes the consumer benefit of long range planning and when followed for ratemaking purposes would have the ratepayers underwrite the costs of that benefit. This method would require changes in the present Uniform System of Accounts reflected by the proposed revisions set forth in Appendix A attached hereto. Separate new accounts will be established for the gains or losses realized and the results of those transactions will be readily available and ascertainable for use in ratemaking proceedings.

9. A second alternative (Proposal B) would permit the ratepayers to benefit from any gain realized through a transaction disposing of Account 105 property, but would require the stockholders to absorb any loss from such transaction. That loss would be recorded in Account 421.2, Loss on Disposition of Property. This alternative would reflect the fact that the consumers had paid return on property that was never used nor would be used in utility service and would provide, when followed for ratemaking purposes, that any further loss should be absorbed by the stockholders. The argument in support of Proposal B is that if management, the sole authority in buying and selling property, enters into an improvident transaction, it should not be cushioned by further payments from the ratepayers. This alternative would restrain management from entering into indiscriminate land purchases and would discourage management from land speculation with funds provided by utility customers. To achieve this alternative, the proposed changes and revisions set forth in Appendix B hereto will be required.

10. The third alternative considered here (Proposal C) is to permit the utility to capitalize its "carrying charges" on land held for future use, i.e., interest and property taxes, in a manner similar to that allowed by our present policy of recording taxes and interest during construction. In this manner, the consumer benefit is recognized by the capitalization of costs incurred by the utility during the years it has held the property, in a new Account 105.1. It would be our policy that the land and carrying charges would not be included in the rate base until the land was placed in utility service. If the property should be sold prior

[1] Under Proposal C, infra, a new account would be established for land held for future use and the language relating to "definite plan" would not be deleted from Account 105, which would include only electric (gas) plant other than land.

to its dedication to utility service, the gain or loss would be treated as a non-utility item, since the ratepayer would not have been charged with any of the costs of the property. Under this alternative, the proposed changes reflected in Appendix C below will be required.

11. This amendment to the Commission's Uniform System of Accounts for Public Utilities and Licensees and for Natural Gas Companies, 18 CFR Parts 101, 104, 105, 201, 204, and 205, is proposed to be issued under the authority granted by the Federal Power Act, as amended, particularly sections 301, 302, 303, and 309 thereof (49 Stat. 854, 855, 858, 885, 16 U.S.C. 825, 825a, 825b, 825h) and the Natural Gas Act, as amended, particularly sections 8, 9, and 16 (52 Stat. 825, 826, 830, 15 U.S.C. 717g, 717h, 717o).

12. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426 on or before March 16, 1970, data, views, and comments in writing concerning the various alternatives set forth above and the proposed changes set forth in the appendices below. An original and fourteen (14) copies of any such submittals shall be filed with the Secretary of the Commission. The Commission will consider any written submittals before taking action in this matter.

13. The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

APPENDIX A

PUBLIC UTILITIES AND LICENSEES

1. Proposal A, under which gains and losses on disposition of property would accrue to consumers, proposes to amend Account 105 in Parts 101, 104, and 105, Subchapter C, Chapter I, Title 18 of the Code of Federal Regulations, so that as revised Account 105 would read as follows:

105 Electric plant held for future use.

A. This account shall include the original cost of electric plant owned and held for future use in electric service. There shall be included herein property acquired but never used by the utility in electric service, but held for such service in the future, and property previously used by the utility in electric service, but retired from such service and held pending its reuse in the future, in electric service.

* * * * *

C. In the event that property recorded in this account shall no longer be needed or appropriate for future utility operations, the company shall notify the Commission of such condition and request approval of journal entries to remove such property from this account. Any gains or losses from the sale or other disposition of such property previously recorded in this account and not placed in utility service shall be transferred to Account 256, Deferred Gains from Sale of Utility Plant, 187, Deferred Losses from Sale of Utility Plant, 411.5, Gains from Sale of Utility Plant, and 411.6, Losses from Sale of Utility Plant, as appropriate, upon approval of such accounting from the Commission.

NOTE A: Materials and supplies, meters and transformers held in reserve, and normal spare capacity of plant in service shall not be included in this account.

NOTE B: Accounts 256 and 187 shall be the appropriate accounts when the gains or losses from sales or other dispositions are sufficiently large so as to warrant amortization over a future period of time. Any insignificant gains or losses would be recorded directly in Accounts 411.5 and 411.6 as appropriate.

2. Proposal A proposes to amend Parts 101, 104, and 105, Subchapter C, Chapter I, Title 18 of the Code of Federal Regulations to add new Accounts 187, 256, 411.5, and 411.6 as follows:

187 Deferred losses from sale of utility plant.

This account shall include losses from the sale or disposition of property previously recorded in Account 105, Electric Plant Held for Future Use, where such losses are significant and are to be amortized over a period of time of from 3 to 5 years as approved by the Commission. (See Account 105, Electric Plant Held for Future Use.) The amortization of the amounts in this account shall be made by debits to Account 411.6, Losses from Sale of Utility Plant.

256 Deferred gains from sale of utility plant.

This account shall include gains from the sale or other disposition of property previously recorded in Account 105, Electric Plant Held for Future Use, where such gains are significant and are to be amortized over a period of time of from 3 to 5 years as approved by the Commission. (See Account 105, Electric Plant Held for Future Use.) The amortization of the amounts in this account shall be made by credits to Account 411.5, Gains from Sale of Utility Plant.

411.5 Gains from sale of utility plant.

This account shall include, as approved by the Commission, amounts relating to gains from the sale of utility plant including amounts which were previously recorded in and amortized from Account 105, Electric Plant Held for Future Use.

411.6 Losses from sale of utility plant.

This account shall include, as approved by the Commission, amounts relating to losses from the sale of utility plant including amounts which were previously recorded in and amortized from Account 105, Electric Plant Held for Future Use.

NATURAL GAS COMPANIES

1. Proposal A, under which gains and losses on disposition of property would accrue to consumers, proposes to amend Account 105 in Parts 201, 204, and 205, Subchapter F, Chapter I, Title 18 of the Code of Federal Regulations so that as revised Account 105 would read as follows:

105 Gas plant held for future use.

A. This account shall include the original cost of gas plant owned and held for future use in gas service. There shall be included herein property acquired but never used by the utility in gas service, but held for such service in the future, and property previously used by the utility in gas service, but retired from such service and held pending its reuse in the future, in gas service. This includes land and land rights held to insure a future supply of natural gas acquired prior to October 8, 1969.

* * * * *

C. In the event that property recorded in this account shall no longer be needed or appropriate for future utility operations, the company shall notify the Commission of such condition and request approval of journal entries to remove such property from this account. Any gains or losses from the sale or other disposition of such property previously recorded in this account and not placed in utility service shall be transferred to Accounts 256, Deferred Gains from Sale of Utility Plant; 187, Deferred Losses from Sale of Utility Plant; 411.5, Gains from Sale of Utility Plant; and 411.6, Losses from Sale of Utility Plant, as appropriate, upon approval of such accounting from the Commission.

* * * * *

NOTE B: Include in this account natural gas wells shut in after construction which have not been connected with the line; also, natural gas wells which have been connected with the line but which are shut in for any reason excepting seasonal excess capacity or governmental proration requirements or for repairs: *Provided*, That the related production leases were acquired prior to October 8, 1969.

NOTE C: Accounts 256 and 187 shall be the appropriate accounts when the gains or losses from sales or other dispositions are sufficiently large so as to warrant amortization over a future period of time. Any insignificant gains or losses would be recorded directly in Accounts 411.5 and 411.6 as appropriate.

2. Proposal A proposes to amend Parts 201, 204, and 205, Subchapter F, Chapter I, Title 18 of the Code of Federal Regulations to add new Accounts 105.1, 187, 256, 411.5, and 411.6 as follows:

105.1 Production properties held for future use.

A. This account shall include the cost of production properties acquired after October 7, 1969, held under a definite plan for future use to insure a future supply of natural gas for use in pipeline operations. This shall include the cost of: land held in fee, leaseholds, gas rights, rights-of-way, other land rights, and any related structures or equipment which were acquired for a future supply of natural gas for pipeline operations but which are not currently in service.

B. The property included in this account shall be classified according to the detailed accounts (Accounts 325.1 to 347) prescribed for natural gas production and gathering plant in service and such classification shall be maintained in the same detail as though the property were in service.

187 Deferred losses from sale of utility plant.

This account shall include losses from the sale or disposition of property previously recorded in Account 105, Gas Plant Held for Future Use, where such losses are significant and are to be amortized over a period of time of from 3 to 5 years as approved by the Commission. (See Account 105, Gas Plant Held for Future Use.) The amortization of the amounts in this account shall be made by debits to Account 411.6, Losses from Sale of Utility Plant.

256 Deferred gains from sale of utility plant.

This account shall include gains from the sale or other disposition of property previously recorded in Account 105, Gas Plant Held for Future Use, where such gains are significant and are to be amortized over a period of time of from 3 to 5 years as approved by the Commission. (See Account 105, Gas Plant Held for Future Use.) The amortization of the amounts in this account shall be made by credits to Account 411.5, Gains from Sale of Utility Plant.

411.5 Gains from sale of utility plant.

This account shall include, as approved by the Commission, amounts relating to gains from the sale of utility plant including amounts which were previously recorded in and amortized from Account 105, Gas Plant Held for Future Use.

411.6 Losses from sale of utility plant.

This account shall include, as approved by the Commission, amounts relating to losses from the sale of utility plant including amounts which were previously recorded in and amortized from Account 105, Gas Plant Held for Future Use.

APPENDIX B

PUBLIC UTILITIES AND LICENSEES

1. Proposal B, under which gains from the disposition of property would accrue to consumers and losses on such disposition would be absorbed by stockholders, proposes to amend Account 105 in Parts 101, 104, and 105, Subchapter C, Chapter I, Title 18 of the Code of Federal Regulations, so that as revised Account 105 would read as follows:

105 Electric plant held for future use.

A. This account shall include the original cost of electric plant owned and held for future use in electric service. There shall be included herein property acquired but never used by the utility in electric service, but held for such service in the future, and property previously used by the utility in electric service, but retired from such service and held pending its reuse in the future, in electric service.

* * * * *

C. In the event that property recorded in this account shall no longer be needed or appropriate for future utility operations, the company shall notify the Commission of such condition and request approval of journal entries to remove such property from this account. Any gains from the sale or other disposition of such property previously recorded in this account and not placed in utility service shall be transferred to Accounts 256, Deferred Gains from Sale of Utility Plant, and 411.5, Gains from Sale of Utility Plant, as appropriate, upon approval of such accounting from the Commission.

* * * * *

NOTE C: Account 256 shall be the appropriate account when the gains from sales or other dispositions are sufficiently large so as to warrant amortization over a future period of time. Any insignificant gains would be recorded directly in Account 411.5.

2. Proposal B proposes to amend Parts 101, 104, and 105, Subchapter C, Chapter I, Title 18 of the Code of Federal Regulations, to add new Accounts 256 and 411.5 as follows:

256 Deferred gains from sale of utility plant.

This account shall include gains from the sale or other disposition of property previously recorded in Account 105, Electric Plant Held for Future Use, where such gains are significant and are to be amortized over a period of time of from 3 to 5 years as approved by the Commission. (See Account 105, Electric Plant Held for Future Use.) The amortization of the amounts in this account shall be made by credits to Account 411.5, Gains from Sale of Utility Plant.

411.5 Gains from sale of utility plant.

This account shall include, as approved by the Commission, amounts relating to gains from the sale of utility plant including amounts which were previously recorded in and amortized from Account 105, Electric Plant Held for Future Use.

NATURAL GAS COMPANIES

1. Proposal B, under which gains from the disposition of property would accrue to consumers and the losses from such disposition would be absorbed by the stockholders, proposes to amend Account 105 in Parts 201, 204, and 205, Subchapter F, Chapter I, Title 18 of the Code of Federal Regulations, so that as revised Account 105 would read as follows:

105 Gas plant held for future use.

A. This account shall include the original cost of gas plant owned and held for future use in gas service. There shall be included herein property acquired but never used by the utility in gas service, but held for such service in the future, and property previously used by the utility in gas service, but retired from such service and held pending its reuse in the future, in gas service. This includes production properties held to insure a future supply of natural gas acquired prior to October 8, 1969.

* * * * *

C. In the event that property recorded in this account shall no longer be needed or appropriate for future utility operations, the company shall notify the Commission of such condition and request approval of journal entries to remove such property from this account. Any gains from the sale or other disposition of such property previously recorded in this account and not placed in utility service shall be transferred to Accounts 256, Deferred Gains from Sale of Utility Plant, and 411.5, Gains from Sale of Utility Plant, as appropriate, upon approval of such accounting from the Commission.

* * * * *

NOTE B: Include in this account natural gas wells shut in after construction which have not been connected with the line; also, natural gas wells which have been connected with the line but which are shut in for any reason excepting seasonal excess capacity or governmental proration requirements or for repairs, provided that the related production leases were acquired prior to October 8, 1969.

NOTE C: Account 256 shall be the appropriate account when the gains from sales or other disposition are sufficiently large so as to warrant amortization over a future period of time. Any insignificant gains would be recorded directly in Account 411.5.

2. Proposal B proposes to amend Parts 201, 204, and 205, Subchapter F, Chapter I, Title 18 of the Code of Federal Regulations, to add new Accounts 105.1, 256, and 411.5 as follows:

105.1 Production properties held for future use.

A. This account shall include the cost of production properties acquired after October 7, 1969, held under a definite plan for future use to insure a future supply of natural gas for use in pipeline operations. This shall include the cost of land held in fee, leaseholds, gas rights, rights-of-way, other land rights, and any related structures or equipment which were acquired for a future supply of natural gas for pipeline operations but which are not currently in service.

B. The property included in this account shall be classified according to the detailed accounts (Accounts 325.1 to 347) prescribed for natural gas production and gathering plant in service and such classification shall be maintained in the same detail as though the property were in service.

256 Deferred gains from sales of utility plant.

This account shall include gains from the sale or other disposition of property previously recorded in Account 105, Gas Plant Held for Future Use, where such gains are significant and are to be amortized over a period of time of from 3 to 5 years as approved by the Commission. (See Account 105, Gas Plant Held for Future Use.) The amortization of the amount in this account shall be made by credits to Account 411.5, Gains from Sale of Utility Plant.

411.5 Gains from sale of utility plants.

This account shall include, as approved by the Commission, amounts relating to gains from the sale of utility plant including amounts which were previously recorded in and amortized from Account 105, Gas Plant Held for Future Use.

APPENDIX C

PUBLIC UTILITIES AND LICENSEES

1. Proposal C, under which carrying charges would be allowed to accrue on land held for future utility use, proposes to amend Account 105 in Parts 101, 104, and 105, Subchapter C, Chapter I, Title 18 of the Code of Federal Regulations, so that as revised Account 105 would read as follows:

105 Electric plant held for future use.

A. This account shall include the original cost of electric plant, other than land, owned and held for future use in electric service under a definite plan for such use. There shall be included herein property acquired but never used by the utility in electric service, but held for such service in the future under a definite plan, and property previously used by the utility in electric service, but retired from such service and held pending its reuse in the future under a definite plan, in electric service.

* * * * *

2. Proposal C proposes to amend Parts 101, 104, and 105 of Subchapter C, Chapter I, Title 18 of the Code of Federal Regulations, to add new Account 105.1 as follows:

105.1 Land held for future use.

A. This account shall include the original cost of land owned and held for future use in electric service. There shall be included herein land acquired but never used by the utility in electric service, but held for such service in the future, and land previously used by the utility in electric service, but retired from such service and held pending its reuse in the future in electric service.

B. The land included in this account shall be classified according to the detailed accounts (301 to 399) prescribed for electric plant in service and the account shall be maintained in such detail as though the property were in service.

C. On and after _____[1], utilities are allowed to accumulate carrying charges on land in this account until such time as construction is started. The carrying charges are to be computed on the same basis as "interest during construction" allowed in electric plant instructions 3(17).

In the event that such land included in this account is no longer required or appropriate for future electric plant operations, then, upon the sale or other disposition of such land, the company shall request approval from the Commission of the journal entries removing such land from this account. Any gains or losses, including the effect of the accumulation of the carrying charges, incurred upon the sale or disposition of land previously included in this account shall be recorded as a nonutility transaction in Accounts 421.1, Gain on Disposition of Property, and 421.2, Loss on Disposition of Property, as appropriate.

3. Proposal C would also require the amendment of Account 121 in Parts 101, 104, 105, Subchapter C, Chapter I, Title 18 of the Code of Federal Regulations to read as follows:

121 Nonutility property.

A. This account shall include the book cost of land, structures, equipment or other tangible or intangible property owned by the utility, but not used in utility service and not properly includible in accounts 105, Electric Plant Held for Future Use, or 105.1, Land Held for Future Use.

* * * * *

NATURAL GAS COMPANIES

1. Proposal C, under which carrying charges would be allowed to accrue on land held for future utility use, proposes to amend Account 105 in Parts 201, 204, and 205, Subchapter F, Chapter I, Title 18 of the Code of Federal Regulations, so that as revised Account 105 would read as follows:

105 Gas plant held for future use.

A. This account shall include the original cost of gas plant, other than land appropriately included in Accounts 105.1 or 105.2, owned and held for future use in gas service under a definite plan for such use. There shall be included herein property acquired but never used by the utility in gas service, but held for such service in the future under a definite plan, and property previously used by the utility in gas service, but retired from such service and held pending its reuse in the future, under a definite plan, in gas service. This account includes production properties held to insure a future supply of natural gas acquired prior to October 8, 1969.

* * * * *

NOTE B: Include in this account natural gas wells shut in after construction which have not been connected with the line; also, natural gas wells which have been connected with the line but which are shut in for any reason excepting seasonal excess capacity or governmental proration requirements or for repairs, provided that the production properties were acquired prior to October 8, 1969.

2. Proposal C proposes to amend Parts 201, 204, and 205 of Subchapter F, Chapter I, Title 18 of the Code of Federal Regulations, to add new Accounts 105.1 and 105.2 to read as follows:

105.1 Land held for future use.

A. This account shall include the original cost of land owned and held for future use in gas service, exclusive of production properties. There shall be included herein land acquired but never used by the utility in gas service, but held for such service in the future, and land previously used by the utility in gas service, but retired from such service and held pending its reuse in the future in gas service.

B. The land included in this account shall be classified according to the detailed accounts (301 to 399) prescribed for gas plant in service and the account shall be maintained in such detail as though the property were in service.

C. On and after _____[1] companies are allowed to accumulate carrying charges on land properly included in this account until such time as construction is started. The carrying charges are to be computed on the same basis as "interest during construction" allowed in gas plant instruction 3(17).

In the event that such land included in this account is no longer required or appropriate for future gas operations, then, upon the sale or other disposition of such land, the company shall request approval from the Commission of the journal entries removing such land from this account. Any gains or losses, including the effect of the accumulation of the carrying charges, incurred upon the sale or disposition of land previously included in this account shall be recorded as a nonutility transaction in Accounts 421.1, Gain on Disposition of Property, and 421.2, Loss on Disposition of Property, as appropriate.

105.2 Production properties held for future use.

A. This account shall include the original cost of production properties acquired after October 7, 1969, and held under a definite plan for future use to insure a future supply of natural gas for use in pipeline operations. This shall include the cost of land held in fee, leaseholds, gas rights, rights-of-way, other land and land rights, and any related structures or equipment which were acquired for a future supply of natural gas for pipeline operations, but which are not currently in service.

B. The property included in this account shall be classified according to the detailed accounts (Accounts 325.1 to 347) prescribed for natural gas production and gathering plant in service and such classification shall be maintained in the same detail as though the property were in service.

NOTE A: Include in this account natural gas wells shut in after construction which have not been connected with the line; also, natural gas wells which have been connected with the line but which are shut in for any reason excepting seasonal excess capacity or governmental proration requirements or for repairs, provided that the production properties were acquired after October 7, 1969.

3. Proposal C would also require the amendment of Account 121 in Parts 201, 204, and 205, Subchapter F, Chapter I, Title 18 of the Code of Federal Regulations, as follows:

121 Nonutility property.

A. This account shall include the book cost of land, structures, equipment, or other tangible or intangible property owned by the utility, but not used in utility service and not properly includible in Accounts 105, Gas Plant Held for Future Use, 105.1, Land Held for Future Use, or 105.2, Production Properties Held for Future Use.

* * * * *

[F.R. Doc. 70-1110; Filed, Jan. 28, 1970; 8:47 a.m.]

[1] Effective date of order.

[1] Effective date of order.

FEDERAL RESERVE SYSTEM

[12 CFR Part 204]

[Reg. D]

RESERVES OF MEMBER BANKS

Certain Borrowings by Bank Affiliates as Deposits

The Board of Governors is considering amending Regulation D, effective February 26, 1970, in the following respects:

1. By adding to § 204.1(f) the following sentences: "For the purposes of this part, 'deposits' of a member bank also include the liability of a member bank's affiliate, as defined in section 2(b)(2) or 2(b)(4) of the Banking Act of 1933 (12 U.S.C. 221a(b)(2) and (b)(4)), on any promissory note, acknowledgment of advance, due bill, or similar obligation (written or oral), with a maturity of 2 years or less, that is issued or undertaken principally as a means of supplying funds to the bank for use in its banking business, or maintaining the availability of such funds, except any such obligation that, if it had been issued directly by the member bank, would not constitute a deposit in view of exceptions (1) and (2), above."

2. By changing the caption of § 204.5 (c) to read "Reserve percentages against certain deposits", by inserting "(1)" before the present text of such paragraph, and by inserting the following before the period at the end thereof: "and (2) Time deposits [9] represented by obligations of affiliates shall not be subject to paragraph (a) of this section, but a member bank shall maintain with the Reserve Bank of its district, a daily average balance equal to 10 per cent of the daily average amount of such deposits."

The main purpose of the proposed amendments is to apply a 10 percent reserve requirement to funds received by member banks as the result of issuance of obligations commonly described as commercial paper by a corporation or trust that (1) majority-controls the member bank, (2) is majority-controlled by persons who also majority-control the member bank, or (3) is controlled by trustees for the benefit of the shareholders of the member bank. The amendments would implement authority granted by the Congress to the Board in section 4(a) of the Act of December 23, 1969 (Public Law 91-151).

The following illustrate the effect of the proposed amendments:

(1) A corporation that controls a majority of the stock of a member bank establishes and acquires a majority of the stock of another corporation. That corporation proposes to acquire $10 million by the public sale on February 1 of promissory notes with a maturity of 90 days and to use $5 million to acquire on February 1 interests in loans made by the bank, $3 million of which will mature in 90 days and $2 million of which will mature in 180 days. Under the proposed amendment, on February 26, $5 million of the notes will become subject to a 10 percent reserve requirement, which would continue as long as the funds of the affiliate are used to maintain the availability of funds to the bank.

(2) If, on March 1, the affiliate described in the preceding paragraph sells to a third person $1 million of the 90-day loans, the bank may thereupon reduce its deposits subject to the 10 percent requirement by $1 million. If on April 1, $1 million of the affiliate's funds are again used to purchase from the bank notes maturing in 45 days, the bank must add back $1 million to its deposits subject to the 10 percent requirement, even though the affiliate does not issue additional obligations. If, upon maturity on May 2 of the affiliate's $5 million of obligations, the affiliate extends $1 million thereof for 60 days and $2 million for 90 days, the $1 million is subject to reserves only for 14 days—until the maturity of the 45-day loans—unless additional funds are channeled to the bank or repayments on the loans maturing in that time are deferred. If, on June 1, a portion of the $2 million 180-day loans is prepaid, the amount of such prepayments will reduce the amount of the affiliate's obligations that are subject to reserves, unless additional funds are channeled to the bank.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 16, 1970. Under the Board's rules regarding availability of information (12 CFR Part 261), such materials will be made available for inspection and copying upon request unless the person submitting the material asks that it be considered confidential.

By order of the Board of Governors, January 20, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-1085; Filed, Jan. 28, 1970; 8:45 a.m.]

[9] For the purposes of this paragraph, "time deposits" means any deposit having a maturity of 1 day or more.

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1969 Rev., Supp. No. 14]

THE PENNSYLVANIA INSURANCE COMPANY AND EMPLOYERS COMMERCIAL UNION INSURANCE COMPANY OF AMERICA

Termination of Authority To Qualify as Surety on Federal Bonds and Change of Name of Company

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to The Pennsylvania Insurance Company, Boston, Mass., under sections 6 to 13 of title 6 of the United States Code to qualify as sole surety on recognizances, stipulations, bonds, and undertakings permitted or required by the laws of the United States, is hereby terminated effective December 31, 1969, because of its merger into Commercial Union Insurance Company of America.

Commercial Union Insurance Company of America, Boston, Mass., a Massachusetts corporation, holds a Certificate of Authority from the Secretary of the Treasury as an acceptable surety on bonds in favor of the United States. Pursuant to Agreement of Merger approved by the Commissioner of Insurance of Massachusetts on December 19, 1969, and by the Insurance Commissioner of Pennsylvania on December 22, 1969, and effective midnight December 31, 1969, The Pennsylvania Insurance Company was merged into Commercial Union Insurance Company of America, the surviving company. Commercial Union Insurance Company of America, the surviving corporation, acquired all the assets and assumed all the liabilities of the constituent corporations and changed its name to Employers Commercial Union Insurance Company of America. A copy of the Agreement of Merger is on file in The Department of the Treasury, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

A Certificate of Authority dated January 1, 1970 has been issued under sections 6 to 13 of title 6 of the United States Code to the following company, replacing the Certificate of Authority dated July 1, 1969, issued to Commercial Union Insurance Company of America. An underwriting limitation of $16,273,000 has been established for the Company.

Name of company, location of principal executive office, and State in which incorporated:

Employers Commercial Union Insurance Company of America

Boston, Massachusetts

Massachusetts

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

In view of the foregoing, no action need be taken by bond-approving officers, by reason of the merger and name change, with respect to any bonds or other obligations in favor of the United States, or in which the United States has an interest, direct or indirect, issued on or before December 31, 1969, by The Pennsylvania Insurance Company or the Commercial Union Insurance Company of America, pursuant to the Certificates of Authority issued to the Companies by the Secretary of the Treasury.

Dated: January 26, 1970.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 70-1161; Filed, Jan. 28, 1970; 8:51 a.m.]

Internal Revenue Service

[Order 23 (Rev. 6)]

SAFETY MANAGEMENT OFFICER, PROTECTIVE PROGRAMS BRANCH, NATIONAL OFFICE, ET AL.

Delegation of Authority

Settlement of tort claims and claims made by an employee of the Internal Revenue Service for damage to or loss of personal property incident to service.

1. Pursuant to Treasury Department Order No. 145 (Rev. 3), dated February 13, 1967, and Treasury Department Order No. 177-22 (Rev. 2), dated December 27, 1968, there is hereby delegated to the officials listed below the authority to handle the claims and amounts of claims as specified:

(a) Safety Management Officer, Protective Programs Branch, National Office;

(1) The authority, under 28 U.S.C. 2672 to consider, ascertain, adjust, determine, compromise, settle, and pay or transmit for payment claims for money damages for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Internal Revenue Service;

(2) The authority to consider, ascertain, adjust, and determine claims under the Act of December 28, 1922, 42 Stat. 1066;

(3) The authority under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, to settle and pay claims made by an employee of the Internal Revenue Service for damage to or loss of personal property incident to his service.

(b) Chief, Facilities Management Branch, each Regional Office, the authority under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, to settle and pay claims made by an employee within the respective regions in any amount of $200 and less, for damage to or loss of personal property incident to his service.

2. This authority may not be redelegated.

3. This order supersedes Delegation Order No. 23 (Rev. 5) issued April 11, 1967.

Issued: January 26, 1970.

Effective date: January 26, 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner.

[F.R. Doc. 70-1136; Filed, Jan. 28, 1970; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 10952]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 23, 1970.

The Forest Service, U.S. Department of Agriculture, has filed application, Serial No. New Mexico 10952 for the withdrawal of the land described below. The land was conveyed to the United States pursuant to section 8 of the Taylor Grazing Act. It lies within the exterior boundary of the Cibola National Forest. It has not been open to entry under the public land laws. The applicant desires the land for the addition to, and the consolidation with national forest lands to permit more efficient administration thereof in the conservation of natural resources.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Land Office Manager, Post Office Box 1449, Santa Fe, N. Mex. 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the

applicant's needs, to provide for the maximum concurrent utilization of the land for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The land involved in the application is:

NEW MEXICO PRINCIPAL MERIDIAN

CIBOLA NATIONAL FOREST

T. 12 N., R. 15 W.,
Sec. 19, lots 3, 4, E½SW¼, and SE¼;
Secs. 20, 28, 30, 31 and 32.
T. 12 N., R. 16 W.,
Secs. 23, 24, 25, and 35.

The areas described aggregate 6,078.78 acres.

W. J. EGAN,
Acting Land Office Manager.

[F.R. Doc. 70-1131; Filed, Jan. 28, 1970; 8:49 a.m.]

WASHINGTON

Notice of Filing of Plat

JANUARY 22, 1970.

1. Plat of survey of the land described below will be officially filed in the Land Office, Portland, Oreg.; effective at 10 a.m. on February 27, 1970.

WILLAMETTE MERIDIAN

T. 31 N., R. 18 E.,
Sec. 2, tract 37.

The area described aggregates 1.84 acres of public land.

2. The land described as Tract 37 is situated adjacent to the King Solomon Millsite and the east shore of Lake Chelan, Wash. Access to the area is via boat and plane only.

The area is steep, mountainous and composed chiefly of rock, with some sandy loam and clay. Timber consists of fir, pine, and some deciduous trees, with very little undergrowth.

3. The above-described land is embraced in the Wenatchee National Forest and is hereby opened to such forms of disposition as may by law be made of national forest land.

ROGER F. DIERKING,
Acting Manager, Land Office.

[F.R. Doc. 70-1092; Filed, Jan. 28, 1970; 8:46 a.m.]

Office of the Secretary

BUREAU OF INDIAN AFFAIRS

Organization

JANUARY 19, 1970.

In accordance with the provisions of 5 U.S.C. 552(a)(1), as amended by Public Law 90-23 codifying the "Public Information Act," a notice was published in the July 20, 1967, FEDERAL REGISTER (32 F.R. 10674) describing the central and field organization of the Department of the Interior. This notice is amended to reflect changes in the organization of the Headquarters office of the Bureau of Indian Affairs. Section 4.20 of the notice published on July 20, 1967, is hereby revised to read as follows:

4.20 *Bureau of Indian Affairs.* Creation: The Bureau of Indian Affairs was created in the War Department in 1824 and in 1849 was transferred to the Department of the Interior. The Snyder Act of 1921 (42 Stat. 208; 25 U.S.C. 13) provided substantive law for appropriations covering the conduct of activities by the Bureau of Indian Affairs. The scope and character of the authorizations contained in this Act were broadened by the Indian Reorganization Act of 1934 (43 Stat. 984; 25 U.S.C. 461 et seq.). The authority of the Commissioner of Indian Affairs as delegated to him by the Secretary of the Interior is set forth in Secretary's Order 2508, as amended, and in Parts 205 and 230 of the Departmental Manual. The authority of subordinate officers and employees as redelegated by the Commissioner or as redelegated by others in the Bureau is set forth in the Bureau of Indian Affairs Manual or in addenda thereto.

Objectives: The principal objectives of the Bureau are to actively encourage and train Indian and Alaska Native people to manage their own affairs under the trust relationship to the Federal Government; to facilitate, with maximum involvement of Indian and Alaska Native people, full development of their human and natural resource potentials; to mobilize all public and private aids to the advancement of Indian and Alaska Native people for use by them; and to utilize the skill and capabilities of Indian and Alaska Native people in the direction and management of programs for their benefit.

Organization: The Bureau of Indian Affairs consists of a central office in Washington, D.C., and area offices and subordinate field installations located throughout the country. The field installations include Indian agencies, boarding schools, and irrigation projects.

Activities: The major activities of the Bureau through which its objectives are to be achieved include the following:

A. The Bureau works with Indian and Alaska Native people, other Federal agencies, State and local governments, and other interested groups in the development and implementation of effective programs for the advancement of Indian and Alaska Native people.

B. The Bureau, in cooperation with Indian and Alaska Native people, seeks for them adequate educational opportunities in public education systems, assists them in the creation and management of educational systems for their own benefit, or provides from Federal resources the educational systems needed.

C. The Bureau actively promotes the improvement of the social welfare of Indian and Alaska Native people by working with them to obtain needed social and community development programs and by providing programs of community service which are needed and desired by them.

D. The Bureau works with Indian and Alaska Native people in the development and implementation of programs for their economic advancement and for full utilization of their natural resources consistent with the principles of resource conservation.

E. The Bureau acts as trustee for Indian and Alaska Native lands and monies held in trust by the United States, assisting them to realize maximum benefits from such resources.

AREA OFFICES—BUREAU OF INDIAN AFFAIRS

Area	*Headquarters*
Aberdeen, S. Dak. 57401.	820 South Main Street.
Albuquerque, N. Mex. 87108.	530 E. Central Avenue NE.
Anadarko, Okla. 73005.	Federal Building.
Billings, Mont. 59101	316 North 26 Street.
Juneau, Alaska 99801	Box 3-8000.
Minneapolis, Minn. 55402.	831 Second Avenue S.
Muskogee, Okla. 74401.	Federal Building.
Window Rock, Ariz. 85011.	Navajo Area Office.
Phoenix, Ariz. 85011	124 West Thomas Road.
Portland, Oreg. 97208	1425 Irving Street NE.
Sacramento, Calif. 95825.	Federal Office Building, 2800 Cottage Way.

INDEPENDENT OFFICES

Cherokee Agency	Cherokee, N.C. 28719.
Miccosukee Agency	Post Office Box 1369, Homestead, Fla. 33030.
Seminole Agency	6075 Stirling Road, Hollywood, Fla. 33024.

LAWRENCE H. DUNN,
Assistant Secretary for Administration.

JANUARY 19, 1970.

[F.R. Doc. 70-1091; Filed, Jan. 28, 1970; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0914) has been filed by American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, proposing establishment of tolerances for negligible residues of the insecticide and nematicide *O,O*-diethyl *O*-2-pyrazinal phosphorothioate (21 CFR 120.264) in or on raw agricultural commodities snap beans and vines, corn, cottonseed, and sugar beets(roots and tops) at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the insecticide and nematicide is the method of Kiigemagi and Terriere, "Journal of Agricultural and Food Chemistry," vol. 11, p. 293 (1963).

Dated: January 19, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-1117; Filed, Jan. 28, 1970; 8:48 a.m.]

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0928) has been filed by American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, proposing establishment of tolerances (21 CFR Part 120) for negligible residues of the insecticide dimethoate in or on the raw agricultural commodities cottonseed and safflower seed at 0.1 part per million, and in eggs and the meat, fat, and meat byproducts of poultry at 0.02 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a technique using a gas-liquid chromatograph equipped with a flame-photometric or flame-ionization detector.

Dated: January 16, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-1123; Filed, Jan. 28, 1970; 8:48 a.m.]

FMC CORP.

Notice of Filing of Petition Regarding Pesticides

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0921) has been filed by FMC Corp., Niagara Chemical Division, 100 Niagara Street, Middleport, N.Y. 14105, proposing establishment of a tolerance of 0.5 part per million for negligible residues in or on the raw agricultural commodities potatoes and pecans of a fungicide which is a mixture of 5.2 parts by weight of ammoniates of ethylenebis(dithiocarbamato) zinc with 1 part by weight of ethylenebis(dithiocarbamic acid) bimolecular and trimolecular cyclic anhydrosulfides and disulfides.

The analytical method proposed in the petition for determining residues of the fungicide is the carbon disulfide evolution technique of Thomas E. Cullen published in "Analytical Chemistry," vol. 36, No. 1, January 1964, pp. 221-24.

Dated: January 19, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-1113; Filed, Jan. 28, 1970; 8:47 a.m.]

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0925) has been filed by FMC Corp., 100 Niagara Street, Middleport, N.Y. 14105, proposing establishment of a tolerance (21 CFR Part 120) of 0.2 part per million for negligible residues of the insecticide endosulfan in or on the raw agricultural commodity potatoes.

The analytical method proposed in the petition for determining residues of the insecticide is a microcoulometric-gas chromatographic procedure.

Dated: January 19, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-1115; Filed, Jan. 28, 1970; 8:48 a.m.]

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0920) has been filed by FMC Corp., 100 Niagara Street, Middleport, N.Y. 14105, proposing establishment of a tolerance (21 CFR Part 120) of 0.5 part per million for residues of the insecticide ethion in or on the raw agricultural commodity cottonseed.

The analytical method proposed in the petition for determining residues of the insecticide is a microcoulometric-gas chromatographic procedure with a sulfur detection system.

Dated: January 19, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-1116; Filed, Jan. 28, 1970; 8:48 a.m.]

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0922) has been filed by FMC Corp., 100 Niagara Street, Middleport, N.Y. 14105, proposing establishment of tolerances (21 CFR Part 120) for negligible residues of the insecticide endosulfan in or on the raw agricultural commodities almonds, filberts, macadamia nuts, pecans, and walnuts at 0.2 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a microcoulometric-gas chromatographic procedure.

Dated: January 19, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-1119; Filed, Jan. 28, 1970; 8:48 a.m.]

FENRICH-VINCENT ASSOCIATES

Notice of Filing of Petition Regarding Pesticides

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0926) has been filed by Fenrich-Vincent Associates, 63 Vanderbilt Road, Manhasset, N.Y. 11030, proposing the establishment of an exemption from the requirement of a tolerance (21 CFR Part 120) for residues of the defoliant and desiccant sodium chlorate in or on the raw agricultural commodity cottonseed.

The analytical method proposed in the petition for determining residues of the defoliant and desiccant is a technique using water to extract residual chlorate from cottonseed. Grain sorghum seed contains a compound which undergoes a reaction with hydrochloric acid to produce a color change susceptible to oxidizing agents. When the cottonseed water extract is acidified in the presence of the sorghum seed extract, a purplish-pink color develops. The color intensity is proportional to the amount of chlorate present and is measured spectrophotometrically at 540 millimicrons.

Dated: January 16, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-1120; Filed, Jan 28, 1970; 8:48 am]

HOOKER CHEMICAL CORP.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0931) has been filed by Hooker Chemical Corp., Niagara Falls, N.Y. 14302, proposing the establishment of an exemption from the requirement of a tolerance (21 CFR Part 120) for residues of a mixture of chlorinated benzenes in or on oysters when used to control predatory gastropods.

The analytical method proposed in the petition for determining residues of the chlorinated benzenes is that of Schwartz et al. in the "Journal of the Association of Official Agricultural Chemists," vol. 46, pp. 893–8 (1963).

Dated: January 16, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–1118; Filed, Jan. 28, 1970; 8:48 a.m.]

NATIONAL FISHERIES INSTITUTE, INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP OA2497) has been filed by National Fisheries Institute, Inc., 1225 Connecticut Avenue NW., Washington, D.C. 20036, proposing that paragraph (d) of § 121.1230 *Sodium nitrite used in processing smoked chub* (21 CFR 121.1230) be amended to provide for the use of a cooling procedure whereby the finished product would be cooled to a temperature of 50° F. or below within 3 hours after smoking and subsequently cooled to a temperature of 38° F. or below during the succeeding 9 hours.

Dated: January 22, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–1122; Filed, Jan. 28, 1970; 8:48 a.m.]

UNIROYAL, INC.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP OF0923) has been filed by Uniroyal Chemical Division, Uniroyal Inc., Bethany, Conn. 06525, proposing establishment of tolerances (21 CFR Part 120) for residues of the plant regulator succinic acid 2,2-dimethylhydrazide in or on the raw agricultural commodities sour cherries at 55 parts per million and tomatoes at 0.2 part per million (negligible residue).

The analytical method proposed in the petition for determining residues of the plant regulator is a colorimetric method in which the residue is hydrolyzed with 50 percent sodium hydroxide, distilled and reacted with trisodium pentacyanoamine ferroate to form a specific red color at p*H* 5.0. The color is measured spectrophotometrically.

Dated: January 19, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–1114; Filed, Jan. 28, 1970; 8:48 a.m.]

VIOBIN CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0A2488) has been filed by VioBin Corp., 226 West Livingston Street, Monticello, Ill. 61856, proposing that § 121.1202 *Whole fish protein concentrate* (21 CFR 121.1202) be amended to provide for the safe use of whole fish protein concentrate prepared from the following species of fish:

1. Menhaden (*Brevoortia tyrannus*).
2. Anchovy (*Engraulis mordax*).
3. Herring (*Clupea larengus*).
4. Thread herring (*Opisthonema oglinum*).

Dated: January 22, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–1121; Filed, Jan. 28, 1970; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 70–1–116]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority January 23, 1970.

By Order 70–1–18, dated January 5, 1970, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 70–1–18 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21380, R–13, be, and it hereby is, approved: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70–1139; Filed, Jan. 28, 1970; 8:49 a.m.]

[Docket No. 20993; Order 70–1–126]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority January 26, 1970.

By Order 70–1–26, dated January 6, 1970, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 70–1–26 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21380, R–14, be, and it hereby is, approved: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70–1142; Filed, Jan. 28, 1970; 8:49 a.m.]

[Docket No. 19786, etc.; Order 70–1–115]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause

Issued under delegated authority January 23, 1970.

Final service mail rates established by Orders 68–11–11, 68–10–87, and 68–10–43 for the transportation of mail by aircraft are currently in effect for Sedalia, Marshall, Boonville Stage Line, Inc. (Sedalia), an air taxi operator under 14 CFR Part 298.

On January 5, 1970, the Postmaster General filed a petition on behalf of Sedalia requesting the Board to fix new final service mail rates for this transportation of mail. The current and proposed rates per great circle aircraft mile are as follows:

Docket	Between	Rate in cents	
		Current	Proposed
19786	Victoria and Houston, Tex	47.81	49.89
19788	Wichita Falls and Dallas, Tex	43.73	46.64
19789	Lufkin, Palestine, and Dallas, Tex	38.36	40.76
19790	Texarkana and Dallas, Tex	43.83	46.44
19792	Longview, Tyler, and Dallas, Tex	42.31	45.01
20115	San Angelo, Brownwood, and Dallas, Tex	33.11	34.93

The Postmaster General states that since the submission by Sedalia of the proposals which resulted in establishment of the current rates the air taxi operator has experienced increased costs as a result of increases in costs of fuel, increases in wages, salaries, and landing fees and increases in weather equipment and observer costs. Because of Sedalia's higher operating costs which the Postmaster General states were not known or reasonably foreseeable at the time the original petitions were filed, the Postmaster General petitions the increased final

service mail rates. The summary of operating costs submitted by Sedalia tends to support the need for the proposed rates.

The Postmaster General states that the proposed rates are acceptable to the Department and the carrier and represent fair and reasonable rates of compensation for the performance of these services.

The Board finds it is in the public interest to determine, adjust, and establish the fair and reasonable rates of compensation to be paid by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the petitions and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

On and after January 5, 1970, the fair and reasonable final service mail rates per great circle aircraft mile to be paid in their entirety to Sedalia by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be as follows:

Docket	Between	Cents
19786	Victoria and Houston, Tex	49.89
19788	Wichita Falls and Dallas, Tex	46.64
19789	Lufkin, Palestine, and Dallas, Tex	40.76
19790	Texarkana and Dallas, Tex	46.44
19792	Longview, Tyler, and Dallas, Tex	45.01
20115	San Angelo, Brownwood, and Dallas, Tex	34.93

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f):

It is ordered That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., Texas International Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified therein as the fair and reasonable rates of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified below.

3. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., and Texas International Airlines, Inc.

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of part 385 (14 CFR Part 385). Those provisions will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[F.R. Doc. 70-1141; Filed, Jan. 28, 1970; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18790; FCC 70-84]

FRANK M. COWLES

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In regard application of Frank M. Cowles, Green Bay, Wis.; Requests: 1080 kc, 5 kw, DA-Day, Class III, for construction permit; Docket No. 18790, File No. BP-17595.

1. The Commission has before it the above-captioned and described application; a petition to deny the application filed by Midcontinent Broadcasting Company of Wisconsin, Inc., licensee of Station WKOW, Madison, Wis.; a petition in support of the petition to deny filed by Green Bay Broadcasting Co., licensee of Station WDUZ, Green Bay, Wis.

2. WDUZ claims standing on the ground that the proposed Cowles station would compete with WDUZ for listeners and revenue. The Commission finds that WDUZ has standing as a party in interest within the meaning of section 309(d)(1) of the Communications Act of 1934, as amended. Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470, 9 RR 2008 (1940). Moreover, since a substantial question exists as to whether electrical interference would occur with WKOW, Midcontinent will be made a party to the proceeding.

3. Studies indicate that the proposed directional antenna system is sensitive to minor changes in the operating parameters. For example, a change of only 0.5° in phase and 0.5 percent in current in the center tower will result in a radiation value greater than the proposed MEOV's in a direction toward WKOW. Therefore, we find it appropriate to include an issue in this proceeding with regard to whether the proposed antenna system could be adjusted and maintained as proposed.

4. Notwithstanding the submission of field intensity measurement data by the applicant and Midcontinent, as well as a joint survey, the parties are unable to agree whether or not prohibited overlap of 0.5 millivolt per meter contours would occur resulting in mutual interference and a violation of § 73.37(a) of the Commission's rules. The Commission finds that a substantial question exists as to whether prohibited overlap would occur. If evidence received in the hearing establishes that such overlap would occur, the application will be dismissed.

5. In Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1961), and the Commission's public notice of August 22, 1968 (FCC 68-847), the Commission indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. Although Cowles appears to have made an extensive survey to ascertain the community needs and interests, he has not listed by name the individuals contacted, adequately listed the suggestions received, or the programming proposed to meet the needs as evaluated. Moreover, it appears that the number of people contacted may not represent an adequate sampling of the Green Bay area and it also appears that the persons who were contacted may not be an adequate cross-section of that community. Thus, we are unable at this time to determine whether Cowles is aware of and responsive to the needs of the area. Accordingly, a Suburban issue is required.

6. Except as indicated by the issues specified below, the applicant is qualified to construct and operate as proposed. However, in view of the foregoing, the Commission is unable to find that a grant of the application would serve the public interest, convenience and necessity, and is of the opinion that it must be designated for hearing on the issues set forth below.

7. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether the proposed operation would comply with § 73.37(a) of the Commission's rules.

(2) To determine, in the event the foregoing issue is resolved in the affirmative:

(a) The efforts made by the applicant to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those need and interests;

(b) Whether the proposed antenna system can be adjusted and maintained

within the proposed limits of radiation; and

(c) To determine in the light of the evidence adduced pursuant to the foregoing [(a) and (b)], whether a grant of the application would serve the public interest, convenience and necessity.

8. *It is further ordered,* That, in the event issue 1, above is resolved adversely to the applicant, the application shall be dismissed.

9. *It is further ordered,* That Midcontinent Broadcasting Company of Wisconsin, Inc., and Green Bay Broadcasting Co., licensees of standard broadcast stations WKOW of Madison, Wis., and WDUZ of Green Bay, Wis., are made parties to the proceeding.

10. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

11. *It is further ordered,* That the applicant herein shall, pursuant to § 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: January 21, 1970.

Released: January 26, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 70-1144; Filed, Jan. 28, 1970; 8:50 a.m.]

[Docket No. 18784; FCC 70-66]

LAURENCE N. POLK, JR., ET AL.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In regard application of Laurence N. Polk, Jr. (Transferor), and Times Journal Inc. and M. W. Kinney, Jr. (Transferees), for transfer of control of Jonquil Broadcasting Co., licensee of Station WYNX, Smyrna, Ga.; Docket No. 18784, File No. BHC-5659.

1. We have before us for consideration: (a) The above captioned application for transfer of control of Jonquil Broadcasting Co., licensee of Station WYNX, Smyrna, Ga.; (b) our letter of October 29, 1969 to the parties, advising them that the Commission was unable to grant the application without an evidentiary hearing; and (c) a letter of November 6, 1969, from the applicant's attorney requesting that such a hearing be held.

2. Laurence N. Polk, Jr. acquired control of Jonquil Broadcasting Co., licensee of Station WYNX, Smyrna, Ga., on May 4, 1966 (BTC-4999) and filed the subject application on June 7, 1968. Therefore § 1.597 of the Commission rules (3-year rule) is technically involved. We are satisfied that the transferor is not profiting from this transaction and that there is no trafficking in broadcast authorizations. Moreover, this application was once dismissed and was reinstated on July 22, 1969, after the 3-year period had elapsed. In view of all the circumstances, we are persuaded that the 3-year rule should be waived.

3. Station WYNX is the only AM [1] station in Smyrna. Times Journal Inc., holding a 75 percent interest in the transferees, informed the Commission that it controls the Smyrna Neighbor, the only newspaper in Smyrna (a weekly), a number of other neighborhood weeklies in the area, and the Marietta Daily Journal, the only daily newspaper in Marietta, Ga. Marietta, Ga., is nearly adjacent to Smyrna. Additionally, principals of Times Journal Inc., have interests in North Georgia Radio Inc., licensee of Station WBLJ, Dalton, Ga., which is about 60 miles from Smyrna. Although residents of Smyrna receive newspaper and broadcast service from Atlanta, Ga., the Commission is concerned with the extent of coverage Atlanta news media render to Smyrna, Ga., affairs and whether a grant of this application will cause an undue concentration of control of local mass media in Smyrna, Ga., and environs in a manner inconsistent with § 73.35 of the Commission's rules.

4. Except as indicated by the issues specified below, the applicants are fully qualified, and in view of the discussion supra § 1.597 of the Commission rules is waived. However, because of the unresolved substantial and material questions of fact heretofore mentioned, we cannot make a finding that a grant of the above-captioned application will serve the public interest, convenience and necessity.

5. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act, of 1934, as amended, the above captioned transfer application is designated for hearing, at a time and place to be specified in a subsequent order, on the following issues:

(a) To determine whether a grant of the application will cause an undue concentration of control of local mass media in Smyrna, Ga., and environs within the meaning of § 73.35 of the Commission's rules.

(b) To determine, in light of the evidence adduced pursuant to the foregoing issue, whether grant of above-captioned application would be in the public interest.

6. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by its attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating their intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

7. *It is further ordered,* That the parties herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: January 14, 1970.

Released: January 26, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 70-1143; Filed, Jan. 28, 1970; 8:50 a.m.]

[Report No. 476]

COMMON CARRIER SERVICES INFORMATION [3]

Domestic Public Radio Services Application Accepted for Filing [4]

JANUARY 26, 1970.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not

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[1] Commissioner Robert E. Lee concurring in the result; Commissioner Cox not participating.

[1] Smyrna also has an FM station assigned to it. (WQXI-FM) However, both its transmitter and studio sites are actually located in Atlanta.

[2] Commissioners Robert E. Lee and Wells dissenting.

[3] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[4] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

3819-C2-AP/AL-(2)-70—Chattanooga Mobilphone Co. (KLF619), (KFL916), Consent to assignment of license from: Chattanooga Mobilphone Co., Assignor to: Richard O. Deaderick and Clara Lockett, doing business as R. O. Deaderick Co., Assignee.

3827-C2-P-70—Beep Communication Systems, Inc. (New), C.P. for a new 2-way station to be located 2.5 miles southwest of Coram, N.Y., to operate on base frequency 454.225 MHz.

3828-C2-P-70—RCC of Virginia, Inc. (New), C.P. for a new 2-way station to be located at Fairmont Avenue, Winchester, Va., to operate on base frequency 152.21 MHz.

3829-C2-P-70—John W. Bennett (New), C.P. for a new 2-way station to be located at 212 West Exchange Street, Owosso, Mich., to operate on base frequency 152.21 MHz.

3833-C2-MP-70—General Communications Service, Inc. (KOF328), Modification of C.P. to replace transmitter operating on frequency 152.24 MHz at station located at Tumanco Hill, 0.5 mile west of Tucson, Ariz.

3839-C2-P-70—RAM Broadcasting of Indiana, Inc. (New), C.P. for a new 1-way station to be located at Reilly Tower North, Crown Tower No. 2 600 North Alabama Street, Indianapolis, Ind., to operate on base frequency 158.70 MHz.

3840-C2-P-70—New England Telephone & Telegraph Co., C.P. to change antenna system and shorten transmission line length operating on frequencies 454.800 and 454.675 MHz at station located at Bear Hill Road, Waltham, Mass.

3841-C2-P-70—Business & Professional Men's Exchange, Inc. (KLF513), C.P. to change transmission line and transmitter power operating on frequency 454.15 MHz at station located at Wood Hill, Andover, Mass.

549-C2-R-70—United Telephone Co. of Ohio (KQA459), Renewal of license expiring Feb. 1, 1970.

2279-C2-R-70—Public Telephone Corp. (KSJ803), Renewal of license expiring Feb. 1, 1970.

2291-C2-R-70—Public Telephone Corp. (KSJ804), Renewal of license expiring Feb. 1, 1970.

548-C2-R-70—United Telephone Co. of Ohio (KQA651), Renewal of license expiring Feb. 1, 1970.

3845-C2-P-70—RAM Broadcasting of Georgia, Inc. (New), C.P. for a new 2-way station to be located at First National Bank Building, 2 Peachtree Street, Atlanta, Ga., to operate on base frequency 454.100 MHz.

3938-C2-P-(2)-70—North State Telephone Co., Inc. (New), C.P. for a new 2-way station to be located at Point McIntyre, Alaska, to operate on frequencies 152.51 and 152.54 MHz.

3939-C2-AL-70—Leonard Voyles, doing business as General Communications (KFQ940), Consent to assignment of license from: Leonard Voyles, doing business as General Communications, Assignor to: Curtin Call Communications, Inc., Assignee.

3940-C2-P-(3)-70—Jack R. Zeckman, doing business as West Montana Mobile Telephone (New), C.P. for a new 1-way station to be located at TV Mountain, 10 miles north of Missoula, Mont., to operate on base frequency 152.24 MHz.

3941-C2-P-70—Metro-Radiophone (New), C.P. for a new 2-way station to be located at W260-N6035 Maryhill Road, Sussex, Wis., to operate on frequency 152.18 MHz.

3942-C2-P-70—Two-Way Radio of Carolina, Inc. (KIY754), C.P. to relocate control facilities operating on 454.05 MHz at location No. 2: Holiday Inn—U.S. 401 Bypass.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

3943-C2-P-(3)-70—The Chesapeake & Potomac Telephone Co. of Maryland (KGA587), C.P. to add three base channels on frequencies 454.400, 454.450, and 454.500 MHz at location No. 1: 3913 Cold Spring Lane, Baltimore, Md.

3944-C2-(2)-70—Myrtle Beach Communications (KIK581), C.P. to relocate base and repeater facilities at location No. 1 to: 29th Avenue extended, 0.75 mile west of intersection of U.S. Highway No. 17 and 29th Avenue, Myrtle Beach, S.C. Frequencies 152.03 MHz base, 459.05 MHz repeater, and delete repeater facilities at location No. 3: 2 miles north of Nixons Crossroads, S.C.

3945-C2-P-70—Myrtle Beach Communications (New), C.P. for a new 1-way station to be located at 29th Avenue extended, 0.75 mile west of intersection of U.S. Highway No. 17 and 29th Avenue, Myrtle Beach, S.C.

3946-C2-P-70—Radio Telephone Co. of Gainesville (KFL922), C.P. for an additional channel on base frequency 152.06 MHz at location No. 1: On State Highway No. 346, 4.5 miles east-southeast of Archer, Fla.

3947-C2-P-(2)-70—Radio Mobile Phones, Inc. (KLB322), C.P. for two additional channels on base frequencies 454.15 and 454.20 MHz at location No. 1: Old U.S. Highway No. 90, near Vidor, Tex.

3948-C2-P-70—Mobilfone (KLB785), C.P. to relocate the base station facilities operating on 152.18 MHz at location No. 1 to: Near junction of Highways 64 and 81, approximately 4.5 miles west of Enid, Okla.

3949-C2-P-70—Michigan Bell Telephone Co. (KQA772), C.P. for an additional channel on base frequency 152.75 MHz. Station location: Mott Building, 503 South Saginaw Street, Flint, Mich.

RURAL RADIO SERVICE

3935-C1-P/L-70—North State Telephone Co., Inc. (New), C.P. and License for a new station to be located in any temporary fixed location within the territory of the grantee to operate on frequencies 157.77 and 157.80 MHz.

3937-C1-P-70—Communications Engineering, Inc. (KWY81), C.P. to reinstate facilities. Frequencies: 158.49, 158.52, 158.55, 158.61, 158.67 MHz. Location: In any temporary location within the territory of the grantee.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

3834-C1-P-70—The Chesapeake & Potomac Telephone Co. of Virginia (KIX55), C.P. to add frequencies 6301.0 and 11,525 MHz toward Poore Mountain, Va. Location: 224 Luck Avenue SW., Roanoke, Va.

3835-C1-P-70—The Chesapeake & Potomac Telephone Co. of Virginia (KIA83), C.P. to add frequencies 6078.6 and 11,075 MHz toward Roanoke, Va., and 6011.9 and 10,795 MHz toward Price Mountain, Va. Location: On Price Mountain, 3.9 miles southwest of Blacksburg, Va.

3837-C1-P-70—The Chesapeake & Potomac Telephone Co. of Virginia (KJK28), C.P. to add frequencies 6034.2 and 11,645 MHz toward Altavista, Va. Location: On Long Mountain, 1.2 miles north-northwest of Rustburg, Va.

3838-C1-P-70—The Chesapeake & Potomac Telephone Co. of Virginia (New), C.P. for a new fixed station to be located at 607 Seventh Street, Altavista, Va., to operate on frequencies 6286.2 and 10,715 MHz toward Long Mountain, Va.

3847-C1-P-70—New England Telephone & Telegraph Co. (KCK52), C.P. to change frequencies from 5974.8 and 6093.5 MHz to 6137.9 and 11,115.0 MHz toward Crotched Mountain, N.H., and change the antenna system. Station location: 12 South Street, Concord, N.H.

3848-C1-P-70—New England Telephone & Telegraph Co. (KCK53), C.P. to change frequencies from 6197.2 and 6315.9 MHz to 6390.0 and 11,645.0 MHz toward Concord, N.H., and add frequencies 11,485.0 and 11,445.0 MHz toward Hillsboro, N.H. Station location: Crotched Mountain, Francestown, N.H.

3849-C1-P-70—South Central Bell Telephone Co. (KJD27), C.P. to add frequency 4170 MHz toward Danville, Ky., and change the antenna system. Station Location: 1.8 miles southwest of Richmond, Ky.

3850-C1-P-70—South Central Bell Telephone Co. (KJK51), C.P. to add ferqnuence 10,835 MHz toward Burgin, Ky. (State Hospital). Station location: 216 South Fourth Street, Danville, Ky.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3851–C1–P–70—South Central Bell Telephone Co. (KYC49), C.P. to add a new point of communication toward Louisville, Ky. (Bishops Lane) to operate on frequency 6152.8 MHz. Station location: Approximately 2.3 miles southeast of Fern Creek, Ky.

3852–C1–P–70—South Central Bell Telephone Co. (KJH23), C.P. to add frequency 11,245 MHz toward Louisville (Bishops Lane), Ky. Station location: 521 West Chestnut Street, Louisville, Ky.

3853–C1–P–70—South Central Bell Telephone Co. (New), C.P. for a new fixed station to be located at 4309 Bishops Lane, Louisville, Ky., to operate on frequency 11,115 MHz toward Louisville, Ky.

3950–C1–P–70—Michigan Bell Telephone Co. (KQA78), C.P. to add frequencies 6034.2, 5152.8 MHz toward Milford, Mich. Location: 3 miles southwest of Ann Arbor, northeast corner of Scio Church and Wagner Roads, Ann Arbor, Mich.

3951–C1–P–70—Michigan Bell Telephone Co. (KVU87), C.P. to add frequencies 6286.2, 6375.2 toward Pontiac, Mich., and frequencies 6197.2, 6404.8 MHz toward Atlas, Mich. Location: 4.5 miles southwest of Milford, Mich.

3952–C1–P–70—Michigan Bell Telephone Co. (KQH77), C.P. to add frequencies 3930, 4010 MHz toward Flint, Mich. Location: Hadley Road, 1.9 miles east-northeast of Atlas, Mich.

3953–C1–P–70—Michigan Bell Telephone Co. (KQA78), C.P. to add frequencies 10,715 and 10,875 MHz toward Plymouth, Mich. Location: 3 miles southwest of Ann Arbor, northeast corner of Scio Church and Wagner Roads, Ann Arbor, Mich.

3954–C1–P–70—Michigan Bell Telephone Co. (KQA79), C.P. to add frequencies 11,445 and 11,605 MHz toward Detroit, Mich. Location: 4 miles west of Plymouth, Mich.

3955–C1–P–70—Florida Telephone Corp. (KJC85), C.P. to change frequencies from 6212.1 and 6330.7 MHz toward Leesburg, Fla. Station location: Southeast corner of Orange and Grove Streets, Eustis, Fla.

3956–C1–P–70—Southern Bell Telephone & Telegraph Co. (KIX68), C.P. to add frequency 5950 MHz toward Miami, Fla. (WAJA–TV). Station location: 36 Northeast Second Street, Miami, Fla.

3957–C1–P–70—Southwestern Bell Telephone Co. (New), C.P. for a new fixed station to be located at 5400 Fox Ridge Drive, Mission, Kans., to operate on frequencies 3950, 4030, and 4110 MHz, Basehor, Kans.

3959–C1–P–70—Southwestern Bell Telephone Co. (KAD25), C.P. to add frequencies 3950, 4030, and 4110 MHz toward Basehor, Kans., and Topeka, Kans. Station location: 4 miles south of Oskaloosa, Kans.

3960–C1–P–70—Southwestern Bell Telephone Co. (KAD26), C.P. to add frequencies 3990, 4070, and 4150 MHz toward Oskaloosa, Kans., and frequency 4090 MHz toward St. Marys, Kans. Station location: Third and Oakley Streets, Topeka, Kans.

3961–C1–P–70—Southwestern Bell Telephone Co. (KAD27), C.P. to add frequency 4050 MHz toward Topeka and Manhattan, Kans. Station location: 4 miles north of St. Marys, Kans.

3962–C1–P–70—Southwestern Bell Telephone Co. (KAD28), C.P. to add frequency 4090 MHz toward St. Marys, Kans., and 4010 MHz toward Junction City, Kans. Station location: 0.5 mile north of Manhattan, Kans.

3963–C1–P–70—Southwestern Bell Telephone Co. (KAE25), C.P. to add frequency 3970 MHz toward Manhattan and Talmage, Kans. Station location: 2 miles southwest of Junction City, Kans.

3964–C1–P–70—Southwestern Bell Telephone Co. (KAE26), C.P. to add frequency 4010 MHz toward Junction City and Salina, Kans. Station location: 4.3 miles southwest of Talmage, Kans.

3965–C1–P–70—Southwestern Bell TelCo (KAE27), C.P. to add frequency 3970 MHz toward Talmage, Kans., and 3890 MHz toward McPherson, Kans. Station location: 137 South Seventh Street, Salina, Kans.

3966–C1–P–70—Southwestern Bell TelCo (KAE28), C.P. to add frequency 3930 MHz toward Salina and Hutchinson, Kans. Station location: 7 miles north-northeast of McPherson, Kans.

3967–C1–P–70—Southwestern Bell TelCo (KAE40), C.P. to add frequency 3890 MHz toward McPherson and Haven, Kans. Station location: 4 miles north-northwest of Hutchinson, Kans.

3968–C1–P–70—Southwestern Bell TelCo (KAE59), C.P. to add frequency 3930 MHz toward Hutchinson and Wichita, Kans. Station location: 4.5 miles south-southeast of Haven, Kans.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3969–C1–P–70—Southwestern Bell TelCo (KAE76), C.P. to add frequency 3890 MHz toward Haven, Kans. Station location: 154 North Broadway, Wichita, Kans.

Public Telephone Corp. (KSN94), Renewal of license expiring Feb. 1, 1970. Term: Feb. 1, 1970 to Feb. 1, 1971.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

3930–C1–P–70—American Microwave and Communications (KQL44), C.P. to add frequency 6337.5 MHz on azimuths 310°00′ and 132°00′. Location: Millie Hill, 1 mile east of Iron Mountain, Mich. Lat. 45°49′ 15″ N., long. 88°02′30″ W.

3931–C1–P–70—American Microwave and Communications (KQL45), C.P. to add frequency 6100.9 MHz on azimuth 360°00′. Location: 5.5 miles northeast of Iron River, Mich. Lat. 46°06′08″ N., long. 88°32′30″ W.

3932–C1–P–70—American Microwave and Communications (KQL46), C.P. to add frequency 6412.5 MHz on azimuth 281°00′. Location: ½ mile west of Covington, Mich. Lat. 46°32′02″ N., long. 88°32′37″ W.

3933–C1–P–70—American Microwave and Communications (KQM82), C.P. to add frequency 6062.5 MHz on azimuth 243°00′. Location: 5 miles north of Bergland, Mich. Lat. 46°40′37″ N., long. 89°34′49″ W.

3934–C1–P–70—American Microwave and Communications (KQN52), C.P. to add frequency 6100.9 MHz on azimuth 47°00′. Location: 3.5 miles east-southeast of Talbot, Mich. Lat. 45°29′40″ N. long. 87°31′50″ W. (Informative: Applicant proposes to provide the television signal of WKBD–TV of Detroit to H & B American Cablevision Co. in Escanaba and Iron Mountain, Mich.)

3970–C1–P–70—Micro Relay, Inc. (New), C.P. for new station 6.5 miles southwest of Nashville, Ga., at lat. 31°10′20″ N., long. 83°20′03″ W. Frequencies 11,265, 11,345 and 11,505 MHz on azimuth 323°11′. (Informative: Applicant proposes to provide the television signals of WSB–TV, WAGA–TV, WQXI–TV, and, from time to time, WJRJ–TV to Tifton, Ga., along with FM broadcast signals of WDUN–FM, WGAU–FM, WAVO–FM, WGKA–FM, WSB–FM and WKLS(FM) for delivery to Tifton Cablevision, Inc.)

3971–C1–P–70—Microwave Relay Services, Inc. (New), C.P. for new station at Lake Harbor, Fla., at lat. 26°41′25″ N., long. 80°48′30″ W. Frequencies 5945.2, 6004.5, 6063.8, MHz on azimuth 277°55′.

3972–C1–P–70—Microwave Rely Services, Inc. (New), C.P. for new station 9 miles west of Clewiston, Fla., at lat. 26°43′50″ N., long. 81°08′08″ W. Frequencies 6093.5, 6167.8, and 6301.0 MHz on azimuth 281°08′.

3973–C1–P–70—Microwave Relay Services, Inc. (New), C.P. for new station 1.5 miles north-northeast of La Belle, Fla., at lat. 26°46′58″ N., long. 81°26′04″ W. Frequencies 6049.0, 6241.7, and 6390.0 MHz on azimuths 257°15′, 10°50′.

3974–C1–P–70—Microwave Relay Services, Inc. (New) C.P. for new station 0.3 mile southeast of Archbold, Fla., at lat. 27°10′40″ N., long. 81°20′58″ W. Frequencies 5945.2, 6182.8 and 6301.0 MHz on azimuth 341°22′.

3975–C1–P–70—Microwave Relay Services, Inc. (New), C.P. for new station 1.6 miles north-northeast of North Fort Myers, Fla., at lat. 26°41′30″ N., long. 81°52′55″ W. Frequencies 6078.6, 6182.2, and 3615.9 MHz on azimuth 169°58′.

3976–C1–P–70—Microwave Relay Services, Inc. (New), C.P. for new station 1.8 miles west-southwest of Bonita Springs, Fla., at lat. 26°19′42″ N., long. 81°48′37″ W. Frequencies 6286.2, 6345.5, and 6404.8 MHz on azimuth 160°37′. (Informative: Applicant proposes to provide the television signals of Stations WAJA–TV, WLBW–TV, and WSMS–TV to South Florida Cable Television Corp in Lee County, Fla.; to Gulf Coast Television in Naples, Fla., and to Cox Cablevision Corp. in Sebring/Avon Park, Fla. Applicant is requesting a waiver of section 21.701(1) of the Commission's rules.)

3831–C1–MP–70—Mountain Microwave Corp. (KPP89), Modification of C.P. to change frequency 5974.8 to 6004.5 MHz on azimuths 48°14′ and 102°52′. Location: 7 miles north-northeast of Dragerton, Utah, at lat. 39°38′40″ N., long. 110°20′50″ W.

Major Amendment

8050–C1–P–69—Mountain Microwave Corp. (KBI22), Application amended to change frequency 6145.6 MHz to 6167.6 MHz toward Eads, Colo., on azimuth 103°36′. All other particulars same as reported in public notice dated July 7, 1969.

[F.R. Doc. 70–1145; Filed, Jan. 28, 1970; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

KEOKUK AND MacARTHUR BRIDGE TOLLS

Notice of Hearings

The public hearing on the MacArthur Bridge Tolls, previously set for February 9, 1970, is hereby postponed to commence at 9:30 a.m. on April 6, 1970, in the City Council Chambers, Fourth and Washington Streets, Burlington, Iowa.

The Keokuk Bridge hearing, previously set for February 12, 1970, is postponed to commence at 9:30 a.m. on April 9, 1970, in the City Council Room, Municipal Building, 415 Blondeau Street, Keokuk, Iowa. The foregoing postponements are made at the request of the municipalities of Burlington and Keokuk in order to allow sufficient time to prepare evidence.

All interested parties are reminded to advise the Hearing Examiner of their interest in the proceedings, in accordance with the prior notices issued herein (35 F.R. 399, 820).

Dated at Washington, D.C., this 26th day of January 1970.

ROBERT N. BURCHMORE,
Hearing Examiner.

[F.R. Doc. 70-1160; Filed, Jan. 28, 1970; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

GULF/SCANDINAVIAN AND BALTIC SEA PORTS CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. John T. Crook, Chairman, Gulf Associated Freight Conferences, Suite 927 Whitney Building, New Orleans, La. 70130.

Agreement No. 5400-10, between the member lines of the Gulf/Scandinavian and Baltic Sea Ports Conference, amends Article 6 of the basic agreement to provide that service to "Base Ports in Norway, Sweden, or Denmark" may be used to fulfill service requirements for voting purposes in lieu of service to the ports of Oslo, Gothenburg, or Copenhagen which is presently required for this purpose. The expanded area does not exceed the scope of the basic agreement.

Dated: January 26, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-1154; Filed, Jan. 28, 1970; 8:51 a.m.]

MARYLAND PORT AUTHORITY ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y.; New Orleans, La.; and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreements filed for approval by:

Mr. Philip G. Kraemer, Director of Transportation, Maryland Port Authority, Pier 2 Pratt Street, Baltimore, Md. 21202.

Agreements No. T-2362, T-2363 and T-2370, between the Maryland Port Authority (MPA) and Stockard Shipping & Terminal Corp., Baltimore Stevedoring Co., Inc., The Hinkins Steamship Agency, Inc., respectively (parties), provide for 1 year leases of certain property at Locust Point, Baltimore, Md., to be used as marine terminals. The amount of rental is based on a minimum annual rental and on the tonnage handled over the facility, computed pursuant to a schedule set forth in each agreement. Each of the parties agree to file its tariffs with the Federal Maritime Commission. The agreements are subject to all the terms and conditions of Agreement No. T-32 between MPA and the Baltimore and Ohio Railroad.

Dated: January 26, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-1153; Filed, Jan. 28, 1970; 8:51 a.m.]

STATE OF CONNECTICUT AND CONNECTICUT TERMINAL CO., INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreement at the offices of the District Managers, New York, N.Y.; New Orleans, La.; and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. John Cunningham, Kominers, Fort, Schlefer, Farmer & Boyer, Tower Building, 1401 K Street NW., Washington, D.C. 20005.

Agreement No. T-2373 between the State of Connecticut (State) and Connecticut Terminal Co., Inc. (CTC) is an agreement whereby State leases certain property to CTC to be operated for the State as a marine terminal and storage facility. Tariffs and/or agreements covering rates and charges established by CTC shall be subject to regulation or change by a representative appointed by the Governor of the State. As annual compensation CTC will receive five percent (5%) of certain gross rentals paid by the United States of America plus a share of the gross operating profit from the leased premises as set forth in the agreement.

Dated: January 26, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-1155; Filed, Jan. 28, 1970; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–7241, etc.]

AZTEC OIL & GAS CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JANUARY 19, 1970.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 13, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G–7241 ..... C 1–2–70	Aztec Oil & Gas Co. (Operator) et al., 2000 First National Bank Bldg., Dallas, Tex. 75202.	El Paso Natural Gas Co., Blanco-Mesa Verde Field, Rio Arriba County, N. Mex.	13.0	15.025
G–10496 ..... E 12–22–69	L & F Drilling Co. (successor to American Petrofina Co. of Texas et al.), 405 Wilson Bldg., Corpus Christi, Tex. 78401.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Cologne Field, Victoria County, Tex.	[1] 15.0	14.65
G–11230 ..... C 1–5–70	Monsanto Co. (Operator) et al., 1300 Post Oak Tower, 5051 Westheimer, Houston, Tex. 77027.	United Gas Pipe Line Co., Welder Ranch Field, Victoria County, Tex.	15.075	14.65
G–11647 ..... E 12–10–69	R. L. Wharton (successor to Cities Service Oil Co.), Rural Delivery No. 3, Burgettstown, Pa. 15021.	Consolidated Gas Supply Corp., Warren District, Upshur County, W. Va.	20.0	15.325
G–11893 ..... D 1–5–70	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	Northern Natural Gas Co., Blinebry and Tubb Fields, Lea County, N. Mex.	Assigned	.....
G–18371 ..... C 1–2–70	Aztec Oil & Gas Co. (Operator) et al.	El Paso Natural Gas Co., Basin Dakota Pool, San Juan and Rio Arriba Counties, N. Mex.	13.0	15.025
CI62–1336 ..... E 12–22–69	Kirby Petroleum Co. (Operator and Agent) et al. (successor to Kirby Royalties, Inc. (Operator) et al.), Post Office Box 1745, Houston, Tex. 77001.	Mountain Fuel Supply Co., Vermilion Creek Unit Area, Sweetwater County, Wyo.	13.0	15.025
CI63–1237 ..... 12–3–69 [2 3]	Nancy Lee Qualls, d.b.a. Central Production Co. (formerly Nancy Lee Elliott, d.b.a. Central Production Co.) Post Office Box 655, El Paso, Tex. 79944.	El Paso Natural Gas Co., Pictured Cliffs Field, Rio Arriba County, N. Mex.	[4] 12.0495	15.025
CI65–407 ..... D 12–15–69	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.	El Paso Natural Gas Co., Tocito Dome Field, San Juan County, N. Mex.	[5]	.....
CI65–466 ..... D 12–18–69	Gulf Oil Corp. (Operator) et al., Post Office Box 1589, Tulsa, Okla. 74102.	Transwestern Pipeline Co., Waha (Deep) Field, Reeves County, Tex.	[5]	.....
CI65–530 ..... D 10–30–69	Guy I. Warren, 18th Floor, Vaughn Plaza, Corpus Christi, Tex. 78401 (partial abandonment).	United Gas Pipe Line Co., Circle "A" Field, Bee and Goliad Counties, Tex.	[7]	.....
CI65–1217 ..... E 12–22–69	Kirby Petroleum Co. (Operator) et al. (successor to Kirby Royalties, Inc. (Operator) et al.).	Mountain Fuel Supply Co., West Side Canal Field, Carbon County, Wyo.	15.0	15.025
CI65–1355 ..... D 12–3–69	Mobil Oil Corp.	El Paso Natural Gas Co., acreage in Pecos County, Tex.	[8]	.....
CI65–1355 ..... C 12–10–69	do	El Paso Natural Gas Co., Worsham-Bayer Field, Reeves County, Tex.	[8] 16.5	14.65
CI68–948 [9] ..... E 12–15–69	Paul E. Kloberdanz (Operator) et al. (successor to Hall-Jones Oil Corp.), c/o James W. George, attornies George, Kenan, Robertson & Lindsey, 1366 First National Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., Lenora Field, Dewey County, Okla.	[10] 15.0	14.65
CI68–1270 ..... E 12–15–69	The Polumbus Corp. (successor to E. A. Polumbus) c/o J. Anthony Polumbus, Esq., 220 C. A. Johnson Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., East Boundary Butte Field, Apache County, Ariz.	[11] 18.7	15.025
CI69–942 ..... E 12–10–69	Clinton Oil Co. (Operator) et al. (successor to J. P. Owen (Operator) et al.), 6810 West Hi-Way 54, Wichita, Kans. 67209.	United Gas Pipe Line Co., Garden City Field, St. Mary Parish, La.	20.625	15.025
CI69–966 ..... (CI68–274) C 12–15–69 [12]	King Resources Co., 570 First National Building, Oklahoma City, Okla. 73102.	Michigan Wisconsin Pipe Line Co., North Thorndike Field, Gray County, Tex.	17.0	14.65
CI69–1013 ..... A 4–28–69	Sun Oil Co. (DX Division) [13] Post Office Box 2039, Tulsa, Okla. 74102.	Natural Gas Pipeline Co. of America, Mexico Federal P Area, Lea County, N. Mex.	17.5	14.65
CI69–1028 ..... A 5–6–69	Skelly Oil Co.,[13] Post Office Box 1650, Tulsa, Okla. 74102.	do	17.5	14.65
CI70–62 ..... C 12–15–69	J. L. Trittipo et al., d.b.a. Trittipo and Clark, 600 Commerce Sq., Charleston, W. Va. 25301.	Equitable Gas Co., Otter District, Braxton County, W. Va.	27.0	15.325
CI70–325 ..... C 12–12–69	Nabob Production Co., Post Office Box 448, Amarillo, Tex. 79105.	Transwestern Pipeline Co., Southeast Griggs Field, Cimarron County, Okla.	17.0	14.65
CI70–473 ..... (G–10686) F 11–17–69	John E. Schalk, Operator (successor to Northwest Production Corp. (Operator) et al.), 915 Midland Savings Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Ballard Pictured Cliffs Field, Rio Arriba County, N. Mex.	[14] 15.0	15.025
CI70–496 ..... (CI61–636) 11–20–69 [15]	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001.	Transwestern Pipeline Co., Bell Lake Unit, Lea County, N. Mex.	15.94	14.65
CI70–543 ..... (G–19010) F 12–11–69	Ocean Drilling & Exploration Co. (Operator) et al. (successor to Exchange Oil & Gas Co.[16]), c/o H. Y. Rowe, Attorney, 200 Jefferson Ave., El Dorado, Ark. 71730.	Transcontinental Gas Pipe Line Corp., Block 172, Eugene Island Area, Offshore Louisiana.	19.0	15.025
CI70–544 ..... A 12–11–69	Phillips Petroleum Co., Bartlesville, Okla. 74003.	Natural Gas Pipeline Co. of America, East Grand Valley Field, Beaver County, Okla.	[17] 17.0	14.65
CI70–545 ..... B 12–12–69	R. O. Thompson, Executor of the Estate of D. W. Skinner, deceased (Operator) et al., c/o W. F. Schell, Attorney, 1111 Vickers Tower, Wichita, Kans. 67202.	Cities Service Gas Co., Boggs Field, Barber County, Kans.	Depleted	.....
CI70–546 ..... A 12–15–69	Weiner Enterprise, 515 Empire Bldg., Pittsburgh, Pa. 15222.	Equitable Gas Co., Otter and Salt Lick Districts, Braxton County, W. Va.	27.104	15.325

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI70-547 (G-15714) F 12-12-69	Philcon Development Co. (successor to Humble Oil & Refining Co.), Post Office Box 2242, Amarillo, Tex. 79109.	Transwestern Pipeline Co., Gheen (Morrow Lower) Field, Lipscomb County, Tex.	[18] 19.5853	14.65
CI70-548 A 12-12-69	A. L. Abercrombie et al., 801 Union Center, Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., acreage in Texas County, Okla.	[17] 17.0	14.65
CI70-549 A 12-15-69	Norman A. Bock and Julian Evans, 3110 Southwest Freeway, Suite 234, Houston, Tex. 77006.	Texas Eastern Transmission Corp., Henderson Buna Field, Jasper County, Tex.	17.0	14.65
CI70-550 A 12-15-69	Gulf Oil Corp	Tennessee Gas Pipeline Co., a division of Tenneco Inc., West Cameron Block 45 Field, Offshore Louisiana.	[19] 22.25	15.025
CI70-551 A 12-15-69	Cnamon Stanton, Inc., 2229 Chamber of Commerce Bldg., Houston, Tex. 77002.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	28.0	15.325
CI70-552 A 12-15-69	Imperial-American Management Co., 200 Brooks Tower Bldg., Denver, Colo. 80202.	Cascade Natural Gas Corp., Winter Valley Field, Moffat County, Colo.	[17] 11.5	15.025
CI70-553 (G-20587) E 12-9-69 [20]	Kern Drilling Co., Inc. (Operator) et al. (successor to L. E. Smith et al.), 900 Mid South Towers, Shreveport, La. 71101.	Arkansas Louisiana Gas Co., Greenwood-Waskom Field, Caddo Parish, La.	12.648	15.025
CI70-555 B 12-15-69	Witt Oil Production, Inc., c/o H. Y. Rowe, Attorney, 200 Jefferson Ave., El Dorado, Ark. 71730.	United Gas Pipe Line Co., Waskom Field, Panola County, Tex.	Depleted	
CI70-557 A 12-15-69	Weipenn Gas Co., Inc., 515 Empire Bldg., Pittsburgh, Pa. 15222.	Equitable Gas Co., Hundred Church District, Wetzel County, W. Va.	25.0	15.325
CI70-558 A 12-16-69	Imperial-American Management Co.	Western Gas Interstate Co., Northwest Six Mile Field, Beaver County, Okla.	14.5	14.65
CI70-559 A 12-18-69	Colorado Oil & Gas Corp., Box 749, Denver, Colo. 80201.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Table Rock Field, Sweetwater County, Wyo.	[17] 15.0	14.65
CI70-560 A 12-16-69	Alma McCutchin, Post Office Box 1585, Dallas, Tex. 75221.	Natural Gas Pipeline Co. of America, Wise Kent-Ham Sand Field, Wise County, Tex.	[17] 16.0	14.65
CI70-561 B 12-18-69	Willard E. Ferrell, agent	Equitable Gas Co., acreage in Ritchie County, W. Va.	Depleted	
CI70-562 B 12-18-69	David Crow, Trustee et al., 2000 Beck Bldg., Shreveport, La. 71101.	United Gas Pipe Line Co., Maxie-Pistol Ridge Field, Pearl River County, Miss.	Depleted	
CI70-563 B 12-18-69	do	do	Depleted	
CI70-564 A 12-18-69	Occidental Petroleum Corp., Post Office Box 51440, O.C.S., Lafayette, La. 70501.	Sea Robin Pipeline Co., Block 222, Ship Shoal Area, Offshore Louisiana.	21.25	15.025
CI70-565 A 12-18-69	The Louisiana Land & Exploration Co., Post Office Box 60350, New Orleans, La. 70160.	Sea Robin Pipeline Co., Block 15, South Marsh Island Area, Offshore Louisiana.	[17] 21.25	15.025
CI70-566 A 12-18-69	do	Sea Robin Pipeline Co., Block 16, South Marsh Island Area, Offshore Louisiana.	[17] 21.25	15.025
CI70-568 A 12-19-69	Leben Drilling, Inc. et al., c/o I. Henry Smith, Jr., Attorney, 604 Johnson Bldg., Shreveport, La. 71101.	Arkansas Louisiana Gas Co., Rocky Mount Field, Bossier Parish, La.	17.0	15.025
CI70-569 A 12-22-69	W. C. Payne and Joe M. Coleman, c/o A. D. Erdberg, Attorney, 1376 First National Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., Oakdale Field, Woods County, Okla.	18.0	14.65
CI70-570 A 12-22-69	Appalachian Exploration & Development, Inc., c/o J. Edward Litz, Corporate Attorney, Post Office Box 1473, Charleston, W. Va. 25325.	United Fuel Gas Co., Center District, Wyoming County, W. Va.	28.0	15.325
CI70-571 A 12-22-69	Opco Oil & Gas Co., 211 North Ervay Bldg., Suite 906, Dallas, Tex. 75201.	Southern Natural Gas Co., Alliance Field, Plaquemines Parish, La.	18.5	15.025
CI70-572 A 12-22-69	Oklahoma Natural Gas Co. (Operator) et al., Post Office Box 871, Tulsa, Okla. 74102.	Natural Gas Pipeline Co. of America, East Grand Valley Field, Beaver County, Okla.	[17] 17.0	14.65
CI70-573 A 12-22-69	The Rodman Corp. et al., 1206 ABC Bldg., Odessa, Tex. 79760.	Cities Service Gas Co., Sooner Trend Field, Kingfisher County, Okla.	[17] 15.0	14.65
CI70-574 A 12-22-69	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202.	Arkansas Louisiana Gas Co., North Watonga Field, Blaine County, Okla.	[17] 15.0	14.65
CI70-575 A 12-22-69	Oklahoma Natural Gas Co. (Operator) et al.	do	[17] 15.0	14.65
CI70-576 (CI61-1091) F 12-15-69	Paul E. Kloberdanz (Operator), et al. (successor to Amerada Hess Corp.).	Michigan Wisconsin Pipe Line Co., Lenora Field, Dewey County, Okla.	[21] 20.82	14.65
CI70-577 A 12-22-69	Union Producing Co., 900 Southwest Tower, Houston, Tex. 77002.	Southern Natural Gas Co., North Kings Ridge Field, Lafourche Parish, La.	[22] 20.0	15.025
CI70-578 A 12-22-69	A. C. Radford and J. W. Frame, c/o A. C. Radford, agent, Post Office Box 6, Winfield, W. Va. 25213.	United Fuel Gas Co., Coopers Creek Field, Kanawha County, W. Va.	28.0	15.325
CI70-579 A 12-23-69	Charles H. Hornsby, Jr., Post Office Box 407, Fremont, Tex. 78375.	Valley Gas Transmission, Inc., Leal (2200′) Field, Duval County, Tex.	15.5	14.65
CI70-580 (G-3711) F 12-24-69	Coastal States Gas Producing Co. (Operator) et al. (successor to Union Oil Co. of California), Post Office Box 521, Corpus Christi, Tex. 78403.	Transcontinental Gas Pipe Line Tigre Lagoon Field, Vermilion and Iberia Parishes, La.	[23] 18.75	15.025
CI70-581 A 12-24-69	do	Transcontinental Gas Pipe Line Corp., South Delcambre Field, Vermilion Parish, La.	20.0	15.025
CI70-582 A 12-29-69	Underwood Oil Co., Inc. (Operator) et al., 420 Oil and Gas Bldg., Wichita Falls, Tex.	Natural Gas Pipeline Co. of America, acreage in Meade County, Kans., and Beaver County, Okla.	[17] [24] 16.0 [17] [25] 17.0	14.65
CI70-583 B 12-29-69	Occidental Petroleum Corp., % W. H. Drushel, Jr., Attorney, Vinson, Elkins, Searls & Connally, 2100 First City National Bank Bldg., Houston, Tex. 77002.	United Gas Pipe Line Co., Cabeza Creek Area, Goliad, De Witt and Karnes Counties, Tex.	[26]	
CI70-584 A 12-29-69	Petroleum, Inc	Northern Natural Gas Co., Mocane-Laverne Field, Beaver County, Okla.	[17] 17.0	14.65
CI70-585 A 12-29-69	The Waverly Oil Works Co., 1627 Bryn Mawr Dr., Newark, Ohio 43055.	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	27.0	15.325
CI70-586 A 12-29-69	Quaker State Oil Refining Corp., Post Office Box 989, Oil City, Pa. 16301.	Midstates Gas Transportation Co., New Milton District, Doddridge County, W. Va.	25.0	15.325
CI70-587 [27] A 12-29-69	Gulf Oil Corp	Tennessee Gas Pipeline Co., a division of Tenneco Inc., acreage in Tyler County, Tex.	16.0	14.65
CI70-588 A 12-29-69	Damson Exploration Funds, Inc., Route 2, Box 109, Lake Charles, La. 70601.	Texas Gas Transmission Corp., North Chalkley Field Area, Calcasieu, Cameron, and Jefferson Davis Parishes, La.	21.25	15.025
CI70-589 (G-15714) F 12-29-69	Oklahoma Natural Gas Co. (successor to Humble Oil & Refining Co.).	Transwestern Pipeline Co., Gheen Field, Lipscomb County, Tex.	[28] 19.5853	14.65
CI70-590 B 12-31-69	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Texas Gas Transmission Corp., Bayou Piquant Field, Terrebonne Parish, La.	Depleted	
CI70-591 A 12-31-69	Westrans Petroleum, Inc., c/o Marsden W. Miller, Jr., Attornies, Miller, Bachman, & Hoecker, 1610 Denver Club Bldg., Denver, Colo. 80202.	United Fuel Gas Co., Cooper Creek Field, Kanawha County, W. Va.	28.0	15.325
CI70-592 A 12-31-69	May Petroleum, Inc. et al., 1435 Republic National Bank Bldg., Dallas, Tex. 75201.	Northern Natural Gas Co., North Woodward Area, Woodward County, Okla.	15.0	14.65
CI70-593 A 1-2-70	Rosen Enterprises, Inc., 260 Sutton Pl., Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., Einsel Field, Kiowa County, Kans.	16.0	14.65
CI70-594 A 1-2-70	Howard W. Kaler, Post Office Box 568, Gainesville, Tex. 76240.	Kansas-Nebraska Natural Gas Co., Inc., Engelland Field, Cheyenne County, Nebr.	[29] 15.0	16.4
CI70-595 A 1-2-70	Patrick Petroleum Co., c/o D. C. Supcoe, agent, 744 West Michigan Ave., Jackson, Mich. 49201.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	28.0	15.325

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI70-596..... B 1-2-70	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Kuhlmann Field, Harris County, Tex.	Assigned	
CI70-597..... A 1-2-70	International Nuclear Corp., 308 Lincoln Tower Bldg., 1860 Lincoln St., Denver, Colo. 80203.	Transcontinental Gas Pipe Line Corp., Van Meter Field, Hardin County, Tex.	17.0	14.65
CI70-598..... A 1-2-70	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., South Half (S/2) of Block 23, South Timballer Area, Offshore Louisiana.	21.25	15.025
CI70-599..... A 1-2-70	An-Son Corp., 3814 North Santa Fe, Oklahoma City, Okla. 73118.	Northern Natural Gas Co., West Elmwood Field, Beaver County, Okla.	[17] 17.0	14.65
CI70-600..... B 1-5-70	A. L. Abercrombie (Operator) et al.	Cities Service Gas Co., acreage in Barber County, Kans.	Depleted	
CI70-602..... A 1-5-70	Donald S. Garvin and Harold L. Summers, d.b.a. Garvin and Summers, 4515 North Santa Fe, Oklahoma City, Okla. 73118.	Equitable Gas Co., Otter and Salt Lick Districts, Braxton County, W. Va.	27.0	15.325
CI70-603..... A 1-5-70	Shield Petroleum Corp., 3249 East Sharon Road, Cincinnati, Ohio 45241.	Consolidated Gas Supply Corp., acreage in Gilmer County, W. Va.	27.0	15.325
CI70-604..... A 1-5-70	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., East Burmah Field, Dewey County, Okla.	[17] 19.5	14.65
CI70-605..... A 1-5-70	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., South Timballer Block 23 (S/2), Bay Marchand Block 2 Field, Offshore Louisiana.	21.25	15.025
CI70-606..... A 1-6-70	Westrans Petroleum, Inc., 250 Park Ave., New York, N.Y. 10017.	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	25.0	15.325
CI70-607..... A 1-6-70	W. H. Mossor et al., Harrisville, W. Va. 26362.	do	27.0	15.325
CI70-608..... A 1-6-70	Mid-American Exploration Co., 914 Goff Bldg., Clarksburg, W. Va. 26301.	Consolidated Gas Supply Corp., acreage in Gilmer County, W. Va.	27.0	15.325
CI70-609..... A 1-6-70	Westrans Petroleum, Inc	Consolidated Gas Supply Corp., acreage in Roane and Calhoun Counties, W. Va.	27.0	15.325

[1] Subject to 0.21931 cent charge for dehydration.
[2] Amendment to certificate filed to reflect change in name.
[3] Application previously noticed Jan. 2, 1970, in Docket No. G-7500 et al., at a total initial rate of 11 cents per Mcf. By letter filed Jan. 12, 1970, Applicant amended its application to reflect a total initial rate of 12.0495 cents per Mcf.
[4] Includes 0.0495-cent tax reimbursement.
[5] Deletes nonproductive acreage.
[6] Uneconomical to connect to well.
[7] Reflects abandonment of Lorene Lambert Lease in which sole "et al." party, Palm Petroleum Corp., held interest. Warren requests that the designation "(Operator) et al." be deleted from the certificate and rate schedule.
[8] Contract provides for rate of 20 cents per Mcf, but Applicant proposes to collect the applicable area rate.
[9] No permanent certificate issued; temporary authorization granted only.
[10] Contract provides for rate of 18 cents per Mcf; however, Applicant states its willingness to accept certificate at 15 cents per Mcf, plus B.t.u. adjustment.
[11] Rate in effect subject to refund in Docket No. RI67-169.
[12] Adds acreage acquired from Standard Oil Co. of Texas, a division of Chevron Oil Co., Docket No. CI68-274.
[13] Applicant has agreed to accept permanent certificate containing conditions imposed by temporary certificate issued June 2, 1969.
[14] Rate in effect subject to refund in Docket No. RI69-392.
[15] Applicant is requesting a certificate to cover its portion of a sale presently covered by Continental Oil Co.'s FPC GRS No. 180 and certificate in Docket No. CI61-636.
[16] Assignee of Texas Gas Exploration Corp.
[17] Subject to upward and downward B.t.u. adjustment.
[18] Includes 0.0853-cent tax reimbursement.
[19] Contract provides for rate of 22.25 cents per Mcf; however, Applicant states its willingness to accept certificate conditioned to the applicable area base rates prescribed in Opinion No. 546, as modified by Opinion No. 546-A.
[20] Predecessors' (L. E. Smith et al.) FPC GRS No. 2 is being superseded by Kern's FPC GRS No. 4; therefore, the certificate in Docket No. G-20587 will be terminated.
[21] Rate in effect subject to refund in Docket No. RI68-119.
[22] Contract provides for rate of 21.25 cents per Mcf; however, Applicant states its willingness to accept certificate at 20 cents per Mcf pursuant to Opinion No. 546.
[23] Rate in effect subject to refund in Docket No. RI63-159.
[24] For acreage in Meade County, Kans.
[25] For acreage in Beaver County, Okla.
[26] Wells ceased to produce in 1964.
[27] Applicant requests certificate limited to the sale of 1,000,000 Mcf.
[28] Rate in effect subject to refund in Docket No. RI69-726.
[29] Subject to deduction for compression, if required.

[F.R. Doc. 70-1003; Filed, Jan. 28, 1970; 8:45 a.m.]

[Docket No. RI70-1079 etc.]

FOREST OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JANUARY 21, 1970.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 9, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1079	Forest Oil Corp. (Operator) et al., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	46	5	Trunkline Gas Co. (Cage Ranch Area, Brooks County, Tex.) (RR. District No. 4).	$7,296	12-23-69	[2] 1-23-70	6-23-70	[3] 14.4369	[3 4 5] 15.45025	RI70-821.
RI70-1080	Sun Oil Co., Post Office Box 2880, Dallas, Tex. 75221.	137	4	Southern Natural Gas Co. (Kokomo Field, Walthall County, Miss.).	108,500	12-29-69	[6] 2-1-70	7-1-70	20.6	[7 8] 26.8	
RI70-1081	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	455	5	Transwestern Pipeline Co. (Mendota Field, Hemphill County, Tex.) (RR. District No. 10).	162	12-24-69	[6] 1-24-70	6-24-70	[10] 19.5853	[4 9 10] 21.0	RI70-55.
RI70-1082	Lario Oil & Gas Co. (Operator) et al., 301 South Market St., Wichita, Kans. 67202.	8	3	Cities Service Gas Co. (Northeast Rhodes Field, Barber County, Kans.).	970	12-29-69	[6] 1-29-70	6-29-70	[10] 14.0	[3 4 10] 15.0	RI65-366.
RI70-1083	Eason Oil Co. (Operator) et al., Post Office Box 18755, Oklahoma City, Okla. 73118.	22	[11] 6	Northern Natural Gas Co. (West Sharon Field (Bell Unit) Woodward County, Okla.) (Panhandle Area).	1,398	[12] 1-1-70	[6] 2-1-70	7-1-70	[13 14] 19.805	[3 4 13 14] 20.970	
RI70-1084	do	8	[11] 8	Northern Natural Gas Co. (Mocane-Laverne Field, Beaver County, Okla.) (Panhandle Area).	13,115	12-30-69	[6] 1-30-70	6-30-70	[14 16 18] 19.312	[4 14 15 16] 24.992	
RI70-1085	Petrodynamics, Inc. (Operator) et al., Post Office Box 10006, Amarillo, Tex. 79106.	21	[10] 11	Northern Natural Gas Co. (Walkemeyer Field, Stevens County, Kans.).	1,488	12-29-69	[6] 1-29-70	6-29-70	[10] 16.0	[3 4 10] 17.0	RI65-321.
RI70-1086	Kewanee Oil Co., Post Office Box 2239, Tulsa, Okla. 74101.	19	[20] 3	Equitable Gas Co. (DeKalb District, Gilmer County, W. Va.).	1,050	12-31-69	[6] 2-1-70	7-1-70	20.0	[21 22] 27.0	

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Includes 0.25-cent dehydration charge.
[6] The stated effective date is the effective date requested by respondent.
[7] Increase from settlement rate to contractually provided for periodic plus tax reimbursement.
[8] Pressure base is 15.025 p.s.i.a.
[9] "Fractured" rate increase. Contractually due a base rate of 26 cents per Mcf.
[10] Subject to a downward B.t.u. adjustment.
[11] Applicable only to acreage added by Supplement No. 5.
[12] Filing received on Dec. 30, 1969, but respondent requests that it be accepted as of Jan. 1, 1970.
[13] Includes base rate of 17 cents before increase and 18 cents after increase plus upward B.t.u. adjustments.
[14] Subject to upward and downward B.t.u. adjustment.
[15] Two-step periodic increase.
[16] Includes base rates of 17 cents before increase and 22 cents after increase plus upward B.t.u. adjustment.
[17] Applicable only to acreage dedicated under the Apr. 19, 1960 contract.
[18] Includes Texas production tax increase, which has been filed.
[19] Applicable only to production of gas from Formation below the Top of the Morrow Series of the Pennsylvanian System.
[20] Includes letter from buyer providing for increase from new gas from existing dedicated acreage or for gas from old wells drilled deeper or worked over after Dec. 12, 1969.
[21] Renegotiated rate increase.
[22] Pressure base is 15.325 p.s.i.a.

Forest Oil Corp. (Operator) et al., (Forest) request that their proposed rate increase be permitted to become effective as of January 22, 1970. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Forest's rate filing and such request is denied.

Humble Oil & Refining Co. (Humble) requests that should the Commission suspend its proposed rate increase that the suspension period with respect thereto be limited to 1 day, or as short a period as possible. Good cause has not been shown for limiting to 1 day the suspension period with respect to Humble's rate filing and such request is denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 70-1057; Filed, Jan. 28, 1970; 8:45 a.m.]

[Docket No. R170-1087, etc.]

M. B. RUDMAN ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JANUARY 21, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules [2] for sales of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] Producers operating under small producer certificates are permitted to file above-ceiling rate increases in the Permian Basin Area without submitting rate schedules as a result of Order No. 394 issued Jan. 6, 1970. Where the words "supplements" or "rate schedules" appear in this order, they refer to the notices of change in rate filed by the small producers herein.

date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 11, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1087	M. B. Rudman, 1730 Mercantile Dallas Bldg., Dallas, Tex. 75201.	(4 5)	(4)	El Paso Natural Gas Co. (Gomez Ellenburger Field, Pecos County, Tex., and Worsham-Bayer Field, Reeves County, Tex.) (RR. District No. 8) (Permian Basin Area).	$616	12-31-69	[6] 12-31-69	[7] 1-1-70	16.50	[8 9] 16.5619	
RI70-1088	Raymond A. Williams, Jr., 1730 Mercantile Dallas Bldg., Dallas, Tex. 75201.	(5 10)	(10)	do	76	12-31-69	[6] 12-31-69	[7] 1-1-70	16.50	[8 9] 16.5619	

[4] No rate schedule on file. Respondent issued a small producer certificate in Docket No. CS67-4.
[5] Rates to contracts dated Mar. 9, 1965, and Nov. 22, 1967.
[6] The stated effective date is the date of filing.
[7] The suspension period is limited to 1 day.
[8] Tax reimbursement increase.
[9] Pressure base is 14.65 p.s.i.a.
[10] No rate schedule on file. Respondent issued a small producer certificate in Docket No. CS67-5.

M. B. Rudman (Rudman) and Raymond A. Williams, Jr. (Williams) are holders of small certificates and have filed rate increases reflecting partial reimbursement for the increase in Texas Production Tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective as of October 1, 1969. The proposed rates exceed the applicable area base ceiling rate determined in Opinion No. 468 for the Permian Basin Area.

Since Rudman and Williams' proposed rate increases relate solely to reimbursement for the increase in the Texas production tax, we believe that the provisions of § 157.40(d) of the Commission's regulations which at the time of the subject filings prohibited the collection of any rate in excess of the applicable area base ceiling rate determined in Opinion No. 468 should be waived. The proposed rate increases should be suspended for 1 day from December 31, 1969, the date of filing in accordance with Order No. 390 issued October 10, 1969.

[F.R. Doc. 70-1058; Filed, Jan. 28, 1970; 8:45 a.m.]

[Project No. 105]

CALIFORNIA

Order Vacating Withdrawal of Lands

JANUARY 5, 1970.

Application has been filed by the U.S. Forest Service (Applicant) for vacation of the land withdrawal pertaining to the following described lands of the United States in order to effectuate a proposed land exchange:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 9 S., R. 24 E.,
Sec. 13, SW¼SW¼, NE¼NW¼SW¼, N½NW¼NW¼SW¼, SW¼SW¼NW¼SW¼, W½SE¼SW¼NW¼SW¼, N½SE¼NW¼SW¼.

and for a determination under section 24 of the Federal Power Act for the purpose of restoring to entry the following described lands of the United States withdrawn for power purposes:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 9 S., R. 24 E.,
Sec. 13, S½NW¼NW¼SW¼, N½SW¼NW¼SW¼, E½SE¼SW¼NW¼SW¼, S½SE¼NW¼SW¼.

The subject lands, totaling approximately 80 acres, lie on both sides of Stevenson Creek a short distance downstream from Shaver Lake of Southern California Edison Co.'s licensed Project No. 67. The lands lie outside the boundary of the latter project, but were withdrawn for power purposes pursuant to the filing on November 22, 1920 of an application for preliminary permit for Project No. 105 then proposed by Edison. No license for the project was issued.

No plans are known of any proposed power project contemplating the use of the subject lands. It appears that any possible use of such lands for power would be for conduits which would be flexible as to location.

The Commission finds: Inasmuch as the subject lands have insignificant power value, the land withdrawal pertaining thereto serves no useful purpose and should be vacated.

The Commission orders: The withdrawal of the subject lands pursuant to the filing for Project No. 105 is hereby vacated insofar as it affects the subject lands.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 70-1079; Filed, Jan. 28, 1970; 8:45 a.m.]

[Project No. 2275]

COLORADO

Notice of Land Withdrawal

JANUARY 19, 1970.

In the matter of Public Service Company of Colorado, Project No. 2275.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in power Project No. 2275 for which application for minor license was filed March 22, 1960. An amendment of application for minor license was filed December 11, 1963, and supplemental revisions were filed March 4, 1966, April 10, 1967, and September 18, 1967, by Public Service Company of Colorado, Denver,

Colo. Under said section 24 these lands are from dates of filing of said application, amendment and supplemental revisions, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by this Commission or by Congress.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

Those portions of the following described subdivisions lying within the project boundary as delimited on maps, Exhibit J, sheet 2 of 2 (FPC No. 2275–2) and Exhibit K, sheet 2 of 2 (FPC No. 2275–4) filed March 22, 1960, Exhibit J, sheet 1 of 2 revised (FPC No. 2275–7) and Exhibit K, sheet 1 of 2 revised, sheet 3 of 3 revised, and sheet 1 of 3 revised (FPC Nos. 2275–8 through –10, respectively) filed September 18, 1967.

T. 50 N., R. 6 E.,
Sec. 36, NE¼NE¼, NW¼NE¼, SE¼NE¼, and NE¼SE¼.
T. 50 N., R. 7 E.,
Sec. 31, lot 4, SE¼SW¼, SW¼SE¼, and SE¼SE¼;
Sec. 32, SW¼SW¼, SE¼SW¼, and NE¼SE¼;
Sec. 33, lot 1.

The area of United States lands reserved by this notice is approximately 34.49 acres of which approximately 1.14 acres have been previously withdrawn for power purposes in connection with Power Site Classification No. 54. All of the lands within this notice are withdrawn for the San Isabel National Forest.

Copies of the aforementioned project maps, Exhibit J, sheet 2 of 2 (FPC No. 2275–2); Exhibit K, sheet 2 of 2 (FPC No. 2275–4), Exhibit J, sheet 1 of 2 revised (FPC No. 2275–7), Exhibit K, sheet 1 of 2 revised, sheet 3 of 3 revised, and sheet 1A of 3 revised (FPC No. 2275–8 through –10, respectively) have been transmitted to the Bureau of Land Management, Geological Survey, and the Forest Service.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–1148; Filed, Jan. 28, 1970; 8:50 a.m.]

[Docket No. RP69–39, etc.]

CITIES SERVICE GAS CO.

Order Approving Tracking Procedure of Supplier Rate Changes Subject to Conditions, Consolidating Proceedings, and Rejecting for Filing Revised Tariff Sheets Containing Purchased Gas Adjustment Clause

JANUARY 22, 1970.

Rates: Tracking supplier rate changes; purchased gas adjustment.

Cities Service Gas Co. (Cities) on December 22, 1969, tendered for filing in Docket No. RP70–21 revised tariff sheets [1] containing a proposed purchased gas adjustment clause to be included as part of its FPC Gas Tariff, Second Revised Volume No. 1, to become effective January 23, 1970.

Cities requests in its filing that the Commission waive the provisions of § 154.38(d)(3) to permit the inclusion of the purchased gas adjustment clause in the Company's tariff. Cities also states that in the event the Commission does not grant waiver of § 154.38(d)(3) in order to permit the revised tariff sheets to become effective, "Cities Service further requests that the Commission grant such waiver of that section as may be required to permit a hearing on the proposed purchased gas cost adjustment clause," and "* * * that any such hearing on the proposed purchase gas cost adjustment clause be consolidated with Phase II of Cities Service's pending rate case in Docket No. RP69–39."

Cities also tendered for filing on December 22, 1969, in Docket No. RP70–22, a request by which it seeks the approval of a specific method of "tracking" supplier rate changes. In the event the Commission does not approve the proposed "tracking" rate change procedure, Cities has tendered as an alternative, proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, to become effective January 23, 1970. The alternative revised tariff sheets [2] would increase charges for Cities' jurisdictional customers by approximately $1,779,494 annually, based on the test year sales volumes shown by the Company in its filing in Docket No. RP69–39.

Cities states that because the Company will be exposed to increased purchase gas costs estimated at $4,724,000 during the 12-month period ending December 23, 1970, the proposed tracking procedure is necessary to avoid the alternative rate increase proposed herein and further rate increases later in 1970.

In general, Cities' proposed tracking procedure provides that the company be permitted to file from time to time through December 23, 1970 revised tariff sheets changing all rates under its F, C, I, LVS–2, P, E, and IRG–1 Rate Schedules up to a net aggregate increase of 1.00 cents per Mcf to reflect supplier rate changes. Revised tariff sheets may not be filed unless the change from the rates previously in effect is at least 0.05 cents per Mcf and unless at least one month has elapsed from the last prior filing. Revised tariff sheets submitted pursuant to the tracking procedure would become effective 30 days after filing or such later date as Cities proposes. The jurisdictional portion of any refunds received by Cities relating to any of the increased supplier rates reflected in tracking filings by Cities would be flowed through to jurisdictional customers. Any rate changes hereunder would be computed as hereinafter provided, except as noted.

On January 15, 1970, City Group Defense Association (City Group) filed a protest and petition to intervene in both Dockets Nos. RP70–21 and RP70–22. Among other matters, the City Group noted that the rates resulting from either the purchased gas adjustment clause in Docket No. RP70–21 or the tracking procedure in Docket No. RP70–22 include an allowance in Cities' purchased gas cost for gas purchased from Continental Oil Company at a cost substantially higher than that found to be appropriate in Opinion No. 542.[3] The City Group, therefore, requests "that any rate filing authority granted Cities specifically require the company to make refunds and reduce its rates prospectively in this docket to reflect the elimination of excess charges collected above amounts allowed by Opinion No. 542, should the Commission's opinion be sustained by the courts."

The Commission deems it inappropriate at this time to address itself generally to the question of refunds which would result if the stay of Opinion No. 542 were terminated. We are of the view, however, that the total amount of tracking increase proposed by Cities should be reduced in the event that the stay of Opinion No. 542 is vacated.

With respect to Cities' filing in Docket No. RP70–21, we note that the reasonableness of including a purchased gas adjustment provision in the company's tariff has not been tested in any evidentiary proceeding. If accepted at this time, the provision would become operative after suspension. The purchased gas adjustment provision raises a number of substantive issues which should be fully explored and resolved before the rates and charges to Cities customers are subjected to changes by application of the proposed purchased gas adjustment clause. Accordingly, we deem it inappropriate at this time to waive the provisions of § 154.38(d)(3) of the Commission's regulations under the Natural Gas Act to permit the filing of Cities' revised tariff sheets containing a purchased gas adjustment clause. However, we agree with Cities' alternative proposal that a hearing be held to resolve the substantive issues raised by the purchased gas adjustment clause and that such hearing may appropriately be consolidated with Phase II of Cities' presently pending rate case in Docket No. RP69–39. Therefore, Cities' filing of December 22, 1969, in Docket No. RP70–21, together with the prepared testimony contained therein, should be admitted to the record in Docket No. RP69–39, without prejudice to any motions by other parties with respect thereto. Although the testimony of Staff and interveners has not yet been served in Phase II of that proceeding, the Presiding Examiner may wish to amend or revise the Phase II Schedule for service of testimony to afford the parties adequate time to serve testimony

[1] Original Sheets Nos. 37B through 37E; Second Revised Sheets Nos. 17A and 17B; Fourth Revised Sheet No. 24E; Fifth Revised Sheet No. 22; 13th Revised Sheets Nos. 4, 5, 7, 8, 10, and 19; 14th Revised Sheet No. 12; 15th Revised Sheet No. 14; and 16th Revised Sheet No. 16.

[2] Second Revised Sheets Nos. 17A and 17B; Fourth Revised Sheet No. 24E; Fifth Revised Sheet No. 22; 13th Revised Sheets Nos. 4, 5, 7, 8, 10, and 19; 14th Revised Sheet No. 12; 15th Revised Sheet No. 14; and 16th Revised Sheet No. 16.

[3] Continental Oil Company, et al., 39 FPC 1034, rehearing denied and motion for stay granted, 40 FPC 400, affirmed Cities Service Gas Co. v. F.P.C., ____ F.2d ____ (CA10, 1969), petition for rehearing pending in No. 151–68.

relating to the purchased gas adjustment clause issue.

With respect to Cities' filing in Docket No. RP70–22, we deem it appropriate that Cities be allowed to track supplier rate changes. However, it appears that Cities' proposal of 0.05 cent per Mcf as a minimum rate increase filing under this authorizaiton would permit such frequent filings that an unreasonable administrative burden could result. Therefore, we will provide in this order that the increase must be at least 0.10 cent per Mcf. In addition, we will limit the total tracking change authorized to 0.96 cent per Mcf, which is the amount of exposure shown by Cities. Moreover, we deem it appropriate that in the event the stay of Opinion 542 is terminated, the total tracking change authorized be limited to 0.55 cent per Mcf, which is the exposure shown by Cities excluding the Continental purchases.

The tracking procedure proposed by Cities uses total system sales as one of the factors in determining the net change in rates. In the company's exhibits in Docket No. RP69–39, Cities advocates an allocation of gas supply costs using "Equivalent Mcf" of fuel and shrinkage at Ambrose and Wichita Mainline hydrocarbon extraction plants. The order herein will provide for a simlar adjustment to sales in computing the rate adjustment under the tracking procedure.

Since Cities' rates are presently the subject of proceedings in Docket No. RP69–39, it appears appropriate that the proposed tracking procedure in Docket No. RP70–22 be consolidated with RP69–39 proceedings.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the revised tariff sheets implementing a purchased gas adjustment clause, tendered for filing by Cities in Docket No. RP70–21, be rejected for filing.

(2) It is necessary and proper in the public interest that Cities be permitted to track changes in supplier rates in the manner and subject to the conditions prescribed herein.

The Commission orders:

(A) Cities' revised tariff sheets tendered for filing in Docket No. RP70–21 are hereby rejected for filing. The issue of the appropriateness of the purchased gas adjustment clause contained therein shall be consolidated for hearing with Phase II of Cities' rate proceeding in RP69–39.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 16 thereof, the Commission's rules of practice and procedure, and regulations under the Natural Gas Act (18 CFR Ch. I), permission is hereby granted for the filing of revised tariff sheets pursuant to Cities' proposed tracking procedure as herein conditioned.

(C) The tracking rate filings by Cities authorized hereby shall be made pursuant to the following conditions:

(1) Cities may from time to time until December 23, 1970, file with the Commission as a part of its FPC Gas Tariff, Second Revised Volume No. 1, revised tariff sheets for its F, C, I, LVS–2, P, E, and IRG–1 rate schedules necessary to reflect increases, and Cities shall make such filings to reflect decreases, if any, in the Company's cost of purchased gas computed in accordance with the subsequent provisions of this paragraph (C).

(2) To determine changes in the Company's cost of purchased gas for purposes of tracking filings hereunder, the company shall determine the difference between (1) the annualized weighted average cost of purchased gas based on actual volumes of gas purchased for a 12-month period ending not less than 60 days nor more than 90 days prior to the effective date of Cities' tracking filings and changed suppliers rates to be effective on or before the effective date of such tracking filing, and (2) the annualized weighted average cost of purchased gas of 14.87 cents per Mcf reflected in the Company's rate filing in Docket No. RP69–39. The change in the company's cost of purchased gas shall then be determined by multiplying such difference by the total volumes of gas purchased during the 12-month period utilized for determining the annualized weighted average cost of purchased gas.

(3) The net change in rates under the tracking procedure shall be determined to the nearest one-hundredth (1/100) of a cent by dividing the total change in the company's cost of purchased gas as determined pursuant to subparagraph (C) (2) above by the company's total system sales, including equivalent fuel and shrinkage volumes for B.t.u.'s consumed at the Wichita and Ambrose gasoline plants of Cities Service Oil Co., for the same 12-month period as was utilized in determining the annualized weighted average cost of purchased gas. Cities is authorized to file revised tariff sheets to reflect such net change in rates: *Provided,* That no such rate change be filed unless the change from the rates previously in effect is at least one-tenth (1/10) of a cent.

(4) Cities shall not file tracking increases pursuant to this authorization which provide for a net increase in the company's rates in excess of 0.96 cents (or 0.55 cents, if the stay of Opinion No. 542 is terminated) per Mcf over the rates contained in the substitute revised tariff sheets filed January 12, 1970, which became effective as of December 23, 1969.

(5) Revised tariff sheets filed pursuant to this tracking procedure shall become effective 30 days after filing or such later date as Cities proposes.

(6) Revised tariff sheets filed pursuant to this tracking procedure shall reflect only such supplier rate changes which are effective as of the date of such tracking rate filing or which will become effective pursuant to motions then on file with the Commission on or before the proposed effective date of Cities' tracking rate filing.

(7) If as a result of any order of the Commission which becomes final and no longer subject to review, Cities shall receive refunds, including interest, under any supplier rate schedules which are applicable to increased rates collected thereunder and which have been reflected in changes in Cities' rates by tracking filings hereunder, Cities shall refund to its jurisdictional customers, without further interest thereon, the jurisdictional portion of such amounts within 30 days after accumulation of $200,000 or more, except for the final refund, which shall be made only if the total amount remaining refundable is at least $50,000.

(D) As a condition of this order, Cities shall execute and file in triplicate with the Secretary of this Commission within 20 days of the date of this order, its written Agreement and Undertaking to comply with the terms of subparagraph (C) (7) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from its Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the tariff sheets involved and upon all parties of record in this proceeding as follows:

Agreement and undertaking of Cities Service Gas Co. to comply with the terms and conditions of subparagraph (C) (7) of the Federal Power Commission Order issued January ____, 1970, in Docket No. RP70–22.

In conformity with the requirements of the order issued January ____, 1970, in Docket No. RP70–22, Cities Service Gas Co. hereby agrees and undertakes to comply with the terms and conditions of subparagraph (C) (7) of said order and has caused this Agreement and Undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto, this ____ day of ____, 1970.

CITIES SERVICE GAS COMPANY

By ____

ATTEST:

____

(Secretary)

(E) The alternative revised tariff sheets which Cities submitted as a part of its filing of December 22, 1969, in Docket No. RP70–22 are hereby deemed to have been withdrawn.

(F) The proposed tracking procedure in Docket No. RP70–22 is hereby consolidated with the proceedings in Docket No. RP69–39 and is subject to the order issued by this Commission in that docket on July 18, 1969, and such further orders as shall be issued in the consolidated proceeding.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 70–1078; Filed, Jan. 28, 1970; 8:45 a.m.]

[Docket No. E–7520]

KANSAS GAS AND ELECTRIC CO.

Notice of Application

JANUARY 22, 1970.

Take notice that on January 19, 1970, Kansas Gas and Electric Co. (applicant) filed an application pursuant to section

204 of the Federal Power Act to issue $35 million in first mortgage bonds.

Applicant is incorporated under the laws of the State of West Virginia with its principal business office in Wichita, Kans., and is engaged in providing electric energy at retail to 147 communities and at wholesale to 19 communities in the State of Kansas.

Applicant proposes to sell the new securities at competitive bidding in accordance with the Commission's regulations under the Federal Power Act. The new bonds will bear interest at a rate fixed by competitive bidding and will contain a 5-year limitation on refunding.

The net proceeds to be received by the applicant will be used (1) to retire $16 million principal amount of the applicant's 3⅜ percent Series First Mortgage Bonds which mature April 1, 1970, (2) to repay bank loans and commercial paper indebtedness approximating $16.5 million incurred and to be incurred prior to the completion of the financing, for the applicant's construction program and (3) to finance, in part, the applicant's 1970 construction program which will cost an estimated $36.6 million.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 9, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-1111; Filed, Jan. 28, 1970; 8:47 a.m.]

[Docket No. RP69-36]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Request for Approval of Stipulation and Agreement and for Acceptance of Proposed Changes in Rates and Charges

JANUARY 23, 1970.

Take notice that on January 20, 1970, Natural Gas Pipeline Company of America (Natural) filed a request for approval of a stipulation and agreement in Docket No. RP69-36, together with a schedule of proposed rates and a purchased gas cost computation underlying the rates shown. The stipulation and agreement is stated to result from discussions among Natural, the Commission's staff, and interested parties, and is designed to effectuate a reduction of the increased rates filed in this docket.

The stipulation and agreement resolves all issues in Docket No. RP69-36 and generally provides for specified reduced rates to become effective as of December 1, 1969, for rate reductions with interest as stated for the period of December 1, 1969, to the date Natural shall first begin to collect charges under the rates shown and for contingent refunds and rate reductions.

Copies of the stipulation and agreement and the schedule of proposed rates were served on all of Natural's customers, parties of record, and interested State commissions.

Comments or objections relating to the proposed stipulation and agreement may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before February 11, 1970.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-1080; Filed, Jan. 28, 1970; 8:45 a.m.]

[Docket No. G-7500 etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Notice of Extension of Time

JANUARY 20, 1970.

Notice is hereby given that the time for filing protests and petitions to intervene provided by the notice issued January 2, 1970, in the above-designated matter is extended to and including January 30, 1970.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-1149; Filed, Jan. 28, 1970; 8:50 a.m.]

[Docket No. AR69-1 etc.]

PHILLIPS PETROLEUM CO. ET AL.

Order Enlarging Investigation and Proposed Rule Making; Correction

JANUARY 15, 1970.

Area Rate Proceeding (Offshore Southern Louisiana Federal Domain and Disputed Areas), Docket No. AR69-1 Phillips Petroleum Co. et al. Docket No. RI69-753; Hunt Oil Co. et al. Docket No. RI70-72; Shell Oil Co. et al. Docket No. RI70-73; The California Co., Docket No. RI70-74.

In the order enlarging investigation and proposed rulemaking, issued December 15, 1969 and published in the FEDERAL REGISTER December 18, 1969 (34 F.R. 19833), in Appendix "A", strike "U.S. Oil of Louisiana Ltd." and substitute "U.S. Oil of Louisiana Inc."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-1077; Filed, Jan. 28, 1970; 8:45 a.m.]

[Docket No. CP70-171]

UNITED GAS PIPE LINE CO.

Notice of Application

JANUARY 23, 1970.

Take notice that on January 9, 1970, United Gas Pipe Line Co. (applicant), 1500 Southwest Tower, Houston, Tex. 77002, filed in Docket No. CP70-171 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation in interstate commerce of natural gas for Louisiana Power and Light Co. (Louisiana) for delivery at an existing point, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport a minimum annual quantity of 2,500,000 Mcf on an interruptible basis upon the request of Louisiana, from a point in Claiborne Parish, La., to Sterlington, Ouachita Parish, La.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 9, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-1081; Filed, Jan. 28, 1970; 8:45 a.m.]

[Docket No. CP70-169]

UNITED GAS PIPE LINE CO.

Notice of Application

JANUARY 20, 1970.

Take notice that on January 8, 1970, United Gas Pipe Line Co. (applicant), 1500 Southwest Tower, Houston, Tex. 77002, filed in Docket No. CP70-169 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities to be used in the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a sales metering and regulating station and appurtenant facilities to serve Georgia-Pacific Corp. in Marion County, Miss., with 500 Mcf of natural gas per day for use in the operation of its shipping mill and dry kiln.

The total estimated cost of the proposed facilities is $15,500, which will be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 13, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-1150; Filed, Jan. 28, 1970; 8:50 a.m.]

FEDERAL RESERVE SYSTEM

FIRST AT ORLANDO CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First at Orlando Corp., Orlando, Fla., for approval of acquisition of at least 80 percent of the voting shares of First National Bank of Lake Wales, Lake Wales, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First at Orlando Corp., Orlando, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of at least 80 percent of the voting shares of First National Bank of Lake Wales, Lake Wales, Fla.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on October 24, 1969 (34 F.R. 17314), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided,* That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such time shall be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

Dated at Washington, D.C., this 23d day of January 1970.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-1086; Filed, Jan. 28, 1970; 8:45 a.m.]

FIRST NATIONAL CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First National Corp., Appleton, Wisc., for approval of acquisition of 80 percent or more of the voting shares of The Clintonville National Bank, Clintonville, Wisc.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First National Corp., Appleton, Wisc., for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The Clintonville National Bank, Clintonville, Wisc.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on October 24, 1969 (34 F.R. 17314), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided,* That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

Dated at Washington, D.C., this 21st day of January 1970.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-1151; Filed, Jan. 28, 1970; 8:50 a.m.]

FIRST VIRGINIA BANKSHARES CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Virginia Bankshares Corp., Arlington, Va., for approval of acquisition of 90 percent or more of the voting shares of the successor by merger to The Bank of Nansemond, Driver, Va.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Daane.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Martin.

(12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Virginia Bankshares Corp., Arlington, Va., for the Board's prior approval of acquisition of 90 percent or more of the voting shares of a new bank into which The Bank of Nansemond, Driver, Va., will be merged.

As required by section 3(b) of the Act, the Board notified the Commissioner of Banking for the State of Virginia of the application and requested his views and recommendation. The Commissioner recommended that the application be approved.

Notice of receipt of the application was published in the FEDERAL REGISTER on September 24, 1969 (34 F.R. 14746), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

Dated at Washington, D.C., this 21st day of January 1970.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-1082; Filed, Jan. 28, 1970; 8:45 a.m.]

NATIONAL COMMISSION ON PRODUCT SAFETY

HOUSEHOLD PRODUCTS PRESENTING HEALTH AND SAFETY RISK

Notice of Hearing

Notice is hereby given that pursuant to section 3(a) of Public Law 90-146, 81 Stat. 466, the National Commission on Product Safety will hold public hearings at 9:30 a.m. on March 3, 4, and 5, 1970, in Washington, D.C. at Room 1202, New Senate Office Building. (The hearing on March 5, 1970, will be held in Room 1318, New Senate Office Building.)

The subject of the hearings will be: Economics of Product Safety—Does the American Economy Reward the Producer of Safe Consumer Products? The subject will include consideration of the following:

(i) To what extent, in a free-enterprise economy, does the decision to produce salable products outweigh the decision to produce safer products?

(ii) Do potentially higher production costs for some safer products make it less likely producers will make safer products?

(iii) Does capital investment in tooling, plant and model design make companies slow to adopt safer designs?

(iv) Are producers insulated from the social costs of unsafe products by inadequate private and public sanctions, or by product liability insurance?

(v) Does the presence of monopoly tendencies in some industries destroy consumer choice as the primary factor in the market? Does this make introduction of unsafe products likely?

(vi) Where safe and unsafe products are sold side-by-side, does the consumer have necessary information to facilitate rational choice?

(vii) If the consumer has sufficient information concerning the safety of competing products, does advertising emphasis on style rather than safety and durability, distort rational choice?

(viii) How can the American economic system produce safer consumer products?

Interested persons are invited to attend and participate by the submission of written statements. Such statements should be furnished to the Commission at its office, 1016 16th Street NW., Washington, D.C. 20036, not later than February 23, 1970. Such statements will be made a part of the record of the hearings and will be available for inspection by the public.

Interested persons desiring to offer oral testimony at these hearings should advise the Commission and file written statements setting forth the substance of their proposed testimony by February 23, 1970. The Commission will attempt to grant such requests to the extent time permits.

Dated: January 22, 1970.

ARNOLD B. ELKIND,
Chairman.

[F.R. Doc. 70-1094; Filed, Jan. 28, 1970; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-3330—7-3340]

ALUMINUM COMPANY OF AMERICA ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 21, 1970.

In the matter of applications of the Detroit Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Aluminum Co. of America	7-3330
Benguet Consolidated, Inc	7-3331
Bunker-Ramo Corp	7-3332
Champion Spark Plug Co	7-3333
Clark Equipment Co	7-3334
Computer Sciences Corp	7-3335
Dart Industries, Inc	7-3336
Dayton-Hudson Corp	7-3337
Essex International, Inc	7-3338
Genesco, Inc	7-3339
Glen Alden Corp	7-3340

Upon receipt of a request, on or before February 5, 1970, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-1097; Filed, Jan. 28, 1970; 8:46 a.m.]

[812-2446]

BANKERS TRUST NEW YORK CORP. AND MARINE MIDLAND BANKS, INC.

Notice of Application for Order Exempting Certain Common Trust Funds

JANUARY 21, 1970.

Notice is hereby given that Bankers Trust New York Corp., 280 Park Avenue, New York, N.Y., and Marine Midland Banks, Inc. ("applicants"), 241 Main Street, Buffalo, N.Y., have applied for an order pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") exempting from all provisions of the Act common trust funds established by any bank controlled by one of the applicants and maintained by it exclusively for the collective investment and reinvestment of moneys contributed thereto

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Maisel, and Brimmer. Absent and not voting: Chairman Martin and Governors Daane and Sherrill.

by the bank or one or more banks controlled by said applicant, provided (1) each bank contributing moneys to such common trust fund makes its contributions solely in its capacity as a trustee, executor, administrator or guardian within the meaning of section 3(c)(3) of the Act, and (2) such common trust fund meets the requirements of section 100–c(17) of the New York Banking Law. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Bankers Trust New York Corp., a New York bank holding company organized in 1965, controls four trust companies organized under the Banking Laws of the State of New York and two national banks with trust powers doing business in the State of New York. Marine Midland Banks, Inc., a Delaware corporation organized in 1929, controls eight trust companies organized under the Banking Laws of the State of New York and four national banks with trust powers doing business in the State of New York.

Section 3(c)(3) of the Act excepts from the definition of "investment company" within the meaning of the Act "any common trust fund or similar fund maintained by a bank exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank in its capacity as a trustee, executor, administrator or guardian". By its terms, section 3(c)(3) applies only to common trust funds which receive funds exclusively from the bank maintaining the common trust fund.

In 1968 the New York Banking Law was amended, in relation to common trust funds, by the addition of a new subdivision 17 to section 100–c, as follows:

> Upon receiving permission of the banking board to do so, a trust company, at least 90 per centum of the capital stock of which is owned by a bank holding company registered under article three-a of this part, may establish and maintain one or more common trust funds, or may utilize one or more common trust funds previously established by it, for funds held in any of the fiduciary capacities mentioned in subdivision one of this section, by itself and by other trust companies at least 90 per centum of the capital stock of each of which is owned by such bank holding company. Each trust company, the capital stock of which is so held, may invest and reinvest in one or more of such common trust funds the moneys of any estate, trust or fund which would be eligible under subdivision one of this section for investment in a common trust fund established and maintained by such trust company. The trust company establishing, maintaining, or so utilizing any such common trust fund shall comply with, and be subject to, all of the provisions of this section as though such trust company and the other trust companies participating in such fund were one and the same corporate entity.

In support of their application, applicants assert that, with respect to the purposes underlying section 3(c)(3) of the Act, it would appear that separate banks under common control in a bank holding company system are not significantly different from branch offices of a single bank. They allege that nothing in the findings and declaration of policy in section 1 of the Act suggests that the exclusion of a common trust fund from status as an investment company should be dependent upon whether the contribution to the common trust fund is made by the bank maintaining the fund as distinguished from an affiliated bank under the common control of the same bank holding company. So long as the common trust fund is used by such affiliated banks only for bona fide fiduciary purposes and not as a vehicle for general investment by the public, applicants argue that it is consistent with the legislative intent that underlies section 3(c)(3) to exempt from the Act common trust funds which may receive funds from other banks which are 90 percent or more owned by a bank holding company which owns 90 percent or more of the capital stock of the bank maintaining the common trust fund. Applicants represent that the subject common trust funds are not used as a vehicle for general investment by the public.

Section 6(c) of the Act, as here pertinent, authorizes the Commission, by order upon application, conditionally or unconditionally to exempt any person or any class or classes of persons from any provision or provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person, may, not later than February 12, 1970 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70–1099; Filed, Jan. 28, 1970; 8:46 a.m.]

[812–2690]

BOSTON CAPITAL CORP. AND BOSTON CAPITAL SMALL BUSINESS INVESTMENT CORP.

Notice of Filing of Application for Order

JANUARY 23, 1970.

Notice is hereby given that Boston Capital Corp. ("BCC"), a closed-end, nondiversified, management investment company registered under the Investment Company Act of 1940 ("Act"), and Boston Capital Small Business Investment Co. ("BOSBIC") a closed-end, nondiversified, management investment company registered under the Act and licensed as a small business investment company under the Small Business Investment Act of 1958 and a wholly owned subsidiary of BCC, have filed an application pursuant to section 17(d) of the Act and Rule 17d–1 thereunder for an order permitting BOSBIC to participate with others in a public offering of the shares of Compugraphic Corp. ("Compugraphic"). All interested persons are referred to the application, which is on file with the Commission, for a statement of the representations therein, which are summarized below.

BOSBIC owns 120,000 shares (approximately 11.4 percent) of the outstanding voting shares of Compugraphic. As a result thereof and in view of the fact that BOSBIC, as noted above, is a wholly owned subsidiary of BCC, Compugraphic is an affiliated person (as defined in section 2(a)(3) of the Act) of an affiliated person (BOSBIC) of a registered investment company (BCC).

BOSBIC owns 120,000 shares of Compugraphic common stock as a result of the former's purchase of 40,000 shares of Compugraphic stock on May 6, 1968, and the subsequent split of such Compugraphic shares on the basis of three for one. BCC owns an 11 percent subordinated note of Compugraphic in the principal amount of $500,000. Such note and warrants for the purchase of 50,000 shares of Compugraphic common stock were purchased by BCC from Compugraphic on December 2, 1969, for the price of $500,000. The warrants are exercisable between December 1, 1970, and December 1, 1976, and are subject to cancellation if said note is paid by December 1, 1970; otherwise the maturity date of the note may be extended to either December 1, 1971, or December 1, 1974.

Compugraphic and certain of its shareholders, including BOSBIC, propose to offer and sell to the public through various underwriters a total of approximately 369,300 shares of Compugraphic common stock. Of such amount, 300,000 shares and 20,000 shares are to be offered and sold by Compugraphic and BOSBIC, respectively. Such offering is to be made through various underwriters, represented by G. H. Walker & Co., Inc.

The application indicates that BOSBIC determined the portion of its holdings of Compugraphic stock to be included in the proposed offering pursuant to the terms of the purchase agreement

dated May 6, 1968, relating to BOS BIC's acquisition of Compugraphic stock, which purchase agreement gives BOS BIC the right to include all or any of it holdings of such stock in a registration statement without expense to BOSBIC when Compugraphic itself initiates the action to register any of its securities under the Securities Act of 1933.

The application states that Compugraphic will pay all expenses of registration except underwriting discounts fees of BOSBIC's counsel and stock transfer taxes; and that each of the selling shareholders including BOSBIC, and Compugraphic, are paying underwriting discounts at the same rate.

The registration statement shows that of the net proceeds to Compugraphic from the sale of the 300,000 shares of common stocks, $500,000 will be used to pay the 11 percent subordinated note of Compugraphic held by BCC.

Rule 17d–1, adopted under section 17 (d) of the Act, provides, as here pertinent, that no affiliated person of any registered investment company, and no affiliated person, of such affiliated person, shall, acting as principal, participate in, or effect any transaction in connection with any joint enterprise or other joint arrangement in which such registered company, or a company controlled by a registered company, is a participant, unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by order, and that in passing upon such application the Commission will consider whether the participation of the registered or controlled company in the joint enterprise or arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

BOSBIC represents that its participation in the offering is not on a basis less advantageous to it than to Compugraphic or to any of the other selling shareholders.

Notice is further given that any interested person may, not later than February 5, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70–1100; Filed, Jan. 28, 1970; 8:47 a.m.]

[File No. 24B–1595]

DESIGN INTERNATIONAL CORP.

Order Permanently Suspending Exemption

JANUARY 20, 1970.

I. Design International Corp. ("DIC"), 132 Boylston Street, Boston, Mass., a Massachusetts corporation located at 132 Boylston Street, Boston, Mass., filed with the Commission on May 28, 1969, a notification on Form 1–A and an offering circular relating to a proposed public offering of 33,333 shares of its 10 cent par value common stock at $9 per share (to be sold in minimum units of 100 shares) with net proceeds to be issuer of $275,997.24 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 ("Securities Act"), as amended, pursuant to the provisions of section 3(b) thereof and Regulation A, promulgated thereunder. The proposed offering is to be underwritten on a "best efforts" basis by Daniel Breslin and Associates (the "underwriter"), Needham, Mass.

II. The Commission on November 12, 1969 temporarily suspended the Regulation A exemption of Design International Corp., stating that it had reason to believe from information reported to it by the staff that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The Issuer (DIC) violated Rule 255 of the regulation by offering its securities prior to filing a notification on Form 1–A, and for which no Registration Statement was on file.

2. The Issuer through its agent, the underwriter, sold the securities which were the subject of the said notification and accepted payment therefor, prior to the time in which such securities could legally be offered for sale.

3. The Issuer offered securities and accepted payment for such securities through its agent, the underwriter, without first having given to the persons to whom the securities were sold an offering circular containing the information specified in Schedule 1 of Form 1–A, in violation of Rule 256(a)(2).

4. The Issuer through its agent, the underwriter, advertised for sale the securities which were the subject of the said notification without having first filed such advertising material with the Commission, in violation of Rule 258.

5. It appears that the Issuer had no knowledge of the actions of its underwriter as alleged above, prior to the time such matters were brought to its attention by the staff, and that it has no culpability with respect to such matters.

B. The offering, as made, was in violation of the registration provisions of section 5 and the antifraud provisions of section 17 of the Securities Act of 1933, as amended, and would continue to be in violation of sections 5 and 17 of the Securities Act of 1933, as amended, if the offers of sale would continue to be made.

C. The Form 1–A Notification and the offering circular do not disclose that the sales are and were made in violation of the Securities Act of 1933, as amended, nor does the offering circular show a contingent liability for such sales, and any sales made with said offering circular not making such disclosure would be in violation of section 17 of the Securities Act of 1933, as amended.

III. No hearing having been requested by the Issuer within 30 days after the entry by the Commission of an order temporarily suspending the exemption of the Issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be permanently suspended:

It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, permanently suspended.

It is further ordered, Pursuant to Rule 252(f), that this order shall not serve to operate as a bar to the use of the Regulation A exemption by this issuer should the exemption otherwise be available.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70–1102; Filed, Jan. 28, 1970; 8:47 a.m.]

[File No. 7–3355]

ECOLOGICAL SCIENCE CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 21, 1970.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of the following company, which security

is listed and registered on one or more other national securities exchange:

Ecological Science Corp., File No. 7-3355.

Upon receipt of a request, on or before February 5, 1970, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-1096; Filed, Jan. 28, 1970; 8:46 a.m.]

GENERAL AMERICAN TRANSPORTATION CORP.

Notice of Application and Opportunity for Hearing

JANUARY 22, 1970.

Notice is hereby given that General American Transportation Corp. ("Company") has filed an application pursuant to clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 ("Act") for a finding by the Commission that the trusteeship of Chemical Bank under the Lease and Agreement comprising General American Transportation Corporation Equipment Trust, Series 50, which was not qualified under the Act, and the trusteeship of Chemical Bank under a new Equipment Trust Agreement to comprise General American Transportation Corporation Equipment Trust, Series 66, which is proposed to be qualified under the Act is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chemical Bank from acting as trustee under the existing trusteeship and under the indenture of trust to be qualified.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in that section), it shall within 90 days after ascertaining that it has such a conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities of the same issuer are outstanding.

The Company alleges that:

1. The Company intends to file with the Commission on or about January 23, 1970, a registration statement covering a proposed equipment trust to be designated as General American Transportation Corporation Equipment Trust, Series 66 ("Series 66 Trust"), under which approximately $50 million principal amount of certificates are expected to be issued pursuant to an Equipment Trust Agreement ("Series 66 Indenture") to be qualified under the Act.

2. The Company desires to appoint Chemical Bank, a New York corporation (formerly known as Chemical Bank & Trust Co.), to act as trustee under the Series 66 Indenture.

3. Chemical Bank presently is acting as trustee under General American Transportation Corporation Equipment Trust, Series 50 ("Series 50 Trust"), which is one of the Company's 19 presently existing equipment trusts. Of the $15 million in principal amount of certificates issued under the Series 50 Trust, $1,875,000 remains outstanding; final payment is due July 1, 1972.

4. The Series 50 certificates are, and the Series 66 certificates will be, secured by a separate lot of identified railroad cars, so that should the trustee have occasion to proceed against the security under one of these trusts, such action would not affect the security, or the use of any securities, under the other trust. Thus, the existence of the other trusteeship should in no way inhibit or discourage the trustee's actions.

5. The Company is not in default under any of its equipment trust obligations.

The Company waives notice of hearing, hearing on the issues raised by this application and all rights to specify procedures under Rule 8(b) of the Commission's rules of practice.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is a public document on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than February 6, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to contravert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-1103; Filed, Jan. 28, 1970; 8:47 a.m.]

[File Nos. 7-3341—7-3351]

GERBER PRODUCTS CO. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 21, 1970.

In the matter of applications of the Detroit Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Gerber Products Co	7-3341
Inland Steel Co	7-3342
Kaufman & Braod, Inc	7-3343
Kentucky Fried Chicken Corp	7-3344
Knight Newspapers, Inc	7-3345
The Lionel Corp	7-3346
McDonald's Corp	7-3347
Monroe Auto Equipment	7-3348
Natomas Co	7-3349
Philip Morris, Inc	7-3350
Singer Co	7-3351

Upon receipt of a request, on or before February 5, 1970, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-1095; Filed, Jan. 28, 1970; 8:46 a.m.]

[File No. 7-3328]

JIM WALTER CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 21, 1970.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the preferred stock of the following company, which security is listed and registered on one or more other national securities exchange:

Jim Walter Corp., $1.60 Cumulative Convertible voting fourth preferred stock, File No. 7-3328.

Upon receipt of a request, on or before February 5, 1970, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-1101; Filed, Jan. 28, 1970; 8:47 a.m.]

[File No. 24A-1943]

OCEANOGRAPHIC VENTURES, CORP.

Notice and Order for Hearing

JANUARY 20, 1970.

I. Oceanographic Ventures, Corp. (Issuer), 683 North East 69th Street, Miami, Fla. 33138, a Delaware corporation, filed with the Commission on June 16, 1969, a notification and offering circular, relating to a proposed offering of 60,000 shares of $0.01 par value common stock at $5 per share for an aggregate of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3(b) thereof, and Regulation A promulgated thereunder. Berne Securities Corp., 1182 Broadway, New York, N.Y., was listed as underwriter for the offering.

II. The Commission, on December 18, 1969, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest in the matter an opportunity to request a hearing. The Commission, on December 29, 1969, and January 7, 1970, received a request for a hearing in the matter on behalf of Berne Securities Corp.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 9 a.m., February 12, 1970, at the Atlanta Regional Office, Suite 138, 1371 Peachtree Street NE., Atlanta, Ga., with respect to the matters set forth in the Commission's order of December 18, 1969, which temporarily suspended the Issuer's Regulation A exemption, without prejudice, however, to the specification of additional issues which may be presented in these proceedings.

It is further ordered, That an officer or officers, to be appointed by the Commission for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by certified mail on the Issuer and Berne Securities Corp., that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before February 4, 1970, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice, and an answer to the allegations contained in the temporary suspension order of December 18, 1969, as provided in Rule 7 of the Commission's rules of practice. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That Berne Securities Corp., pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7) shall file an answer to the allegations set forth in the Commission's temporary suspension order dated December 18, 1969. Such answer shall be filed in the manner, form, and within the time prescribed by 17 CFR 201.7.

Notice is hereby given that if Berne Securities Corp. fails to file an answer pursuant to 17 CFR 201.7 within 15 days after service upon it of this notice and order for hearing, the proceedings may be determined against Berne Securities Corp. by the Commission upon consideration of this notice and order for hearing and the allegations in the Commission's temporary suspension order dated December 18, 1970.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-1105; Filed, Jan. 28, 1970; 8:47 a.m.]

[70-4825]

PENNSYLVANIA ELECTRIC CO.

Notice of Proposed Issue and Sale of Short-Term Promissory Notes to Banks

JANUARY 22, 1970.

Notice is hereby given that Pennsylvania Electric Co. ("Penelec"), 1001 Broad Street, Johnstown, Pa. 15907, an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) thereof as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Penelec requests that, for the period commencing on the granting of this application and ending on December 31, 1970, the exemption from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) of the Act relating to the issue and sale of short-term notes be increased from 5 percent to approximately 8 percent of the principal amount and par value of other securities of Penelec at the time outstanding. Penelec proposes to have outstanding at any one time not in excess of an aggregate of $40 million of short-term notes to banks. The filing states that Penelec had $18,500,000 principal amount of such notes outstanding at the date of this application.

The new notes will bear interest at a rate not exceeding the prime rate (presently 8½ percent per annum) in effect for commercial borrowing at the lending bank as of the date of issue, will mature not later than 9 months from the date of issue, will be prepayable at any time without premium, and will not be issued as part of a public offering.

Although no commitments or agreements for such borrowings have been made, if this application is granted by the Commission, Penelec expects that, as and to the extent that its cash needs require, borrowings will be effected from among a group of 31 banks in the amount of $33,200,000 outstanding at any one

time. The names of the banks from which the balance of funds will be borrowed will be supplied by amendment. A further order of the Commission will be issued prior to Penelec's effecting any such borrowings.

Penelec proposes to utilize the proceeds of the contemplated borrowings for the purpose of financing its business as a public-utility company, including provision for construction expenditures, repayment of other short-term borrowings, and the temporary reimbursement of its treasury for construction expenditures provided therefrom. Penelec will apply the net proceeds from any permanent debt financing effected prior to the maturity of all notes issued and outstanding under this application in reduction of, or in total payment of, such outstanding notes, and the maximum amount of indebtedness which may be incurred by Penelec under this application will be reduced by the amount of the net proceeds of any such permanent debt financing.

The application states that Penelec's expenses incident to the proposed issuance of notes will be approximately $6,200, including legal fees of $6,000, and that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 16, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such requests, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-1104; Filed, Jan. 28, 1970; 8:47 a.m.]

[File No. 24D-2852]

RICO ENTERPRISES

Order Permanently Suspending Exemption

JANUARY 20, 1970.

I. Rico Enterprises (Issuer), 574 East Second South, Room 104, Salt Lake City, Utah, a Utah corporation, with offices stated to be located at 574 East Second South, Room 104, Salt Lake City, Utah, filed with this Commission on May 9, 1969, a notification and offering circular relating to a proposed offering of 6 million shares of its 1-cent par value stock at 5 cents per share, for an aggregate of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder. The offering commenced on July 7, 1969, with Dick N. Nielson, president of the Issuer, named as underwriter. Subsequently, the notification and offering circular was amended and Heyman, McCaffree, Christiansen, Inc., Salt Lake City, Utah, was designated as underwriter for the issue and would receive a 13 percent commission. The offering was recommended on October 29, 1969.

II. The Commission, on November 13, 1969, temporarily suspended the Regulation A exemption of Rico Enterprises, stating that it had reason to believe from information reported to it by its staff that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose an agreement or arrangement between management of the Issuer and Darrell W. Jensen whereby in consideration for Rico purchasing 112 unpatented mining claims from Darrell W. Jensen for $110,000 from the proceeds of the offering, Darrell W. Jensen agreed to arrange the purchase of certain properties in which a member or members of management of Rico have an interest.

2. The failure to disclose that in view of the above-described arrangement substantial monies to be received from the public would be siphoned off from the company for little or nominal consideration and primarily for the ultimate benefit of certain insiders of the Issuer.

3. The failure to disclose that the principal assets which the Issuer proposed to acquire with the proceeds of this offering have a purchase price which was not determined by arm's-length bargaining between the Issuer's management and Darrell W. Jensen, the seller of those assets.

4. The accuracy and adequacy of the statement found under speculative aspects of the offering circular, which reads as follows:

Although it is customary to follow the recommendations of a qualified mining engineer or geologist relating to the acquisition of mining properties for cash and whether exploratory work is justified, such practice has not been followed by the Company and management of the Company does not include any such persons.

B. The terms and condition of Regulation A have not been complied with in that:

1. All direct and indirect interests of each of the Issuer's officers and directors in any material transactions within 2 years of the filing of the notification and offering circular and material proposed transactions to which the issuer was to be a party were not fully disclosed.

2. The financial statements included in the offering circular fail to conform to the requirements of Item 11 of Schedule I.

3. The disclosure with respect to the Issuer's business fails to conform to the requirements of Item 8A of Schedule I.

C. The offering would be made in violation of section 17(a) of the Securities Act of 1933, as amended, for reasons described above.

III. No hearing having been requested by the Issuer within 30 days, after the entry by the Commission of an order temporarily suspending the exemption of the Issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be permanently suspended, therefore:

It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the Regulation A exemption of Rico Enterprises be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-1106; Filed, Jan. 28, 1970; 8:47 a.m.]

[File Nos. 7-3352—7-3354]

SKYLINE CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 21, 1970.

In the matter of applications of the Detroit Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Skyline Corp.	7-3352
Union Oil Company of California	7-3353
The Wickes Corp.	7-3354

Upon receipt of a request, on or before February 5, 1970, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-1098; Filed, Jan. 28, 1970; 8:46 a.m.]

[812-2680]

TRAVELERS FUND FOR VARIABLE ANNUITIES AND TRAVELERS FUND B FOR VARIABLE CONTRACTS

Notice of Filing of Application for Temporary Order of Exemption

JANUARY 22, 1970.

Notice is hereby given that the Travelers Fund for Variable Annuities and the Travelers Fund B for Variable Contracts (hereinafter called "Applicants"), 1 Tower Square, Hartford, Conn. 06115, have filed an application pursuant to section 10(e) of the Investment Company Act of 1940, 15 U.S.C. sec. 80a-1 et seq. ("Act"), for an order suspending the operation of the provisions of section 10(b)(2) of the Act with respect to Applicants to the extent described below. Applicants are open-end diversified management companies registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The Travelers Insurance Co. ("Insurance Company") established the Applicants as facilities through which Insurance Company sets aside and invests assets attributable to variable contracts.

Section 10(b)(2) provides, as here pertinent, that a registered investment company may not use as a principal underwriter of securities issued by it any company as to which a director of the investment company is an affiliated person, unless a majority of the board of directors of the investment company are persons who are not affiliated persons of such principal underwriter.

Section 10(e) provides, among other things, for the automatic suspension of the operation of section 10(b)(2) for a maximum period of 60 days where the provisions of the latter section cannot be met by reason of death, disqualification, or bona fide resignation of a director, and authorizes the Commission to suspend the operation of section 10(b)(2) for such longer period as it may prescribe as not inconsistent with the protection of investors.

The Board of Managers of each Applicant, prior to December 5, 1969, consisted of the same five persons, two of whom were affiliated with Insurance Company, which acts as the principal underwriter for each Applicant. Thereafter one of the persons not so affiliated became an affiliated person of Insurance Company; one of the affiliated persons resigned; the remaining members of the Boards selected a new member not affiliated with Insurance Company; and one member not affiliated with Insurance Company resigned. Thus at present the Board of Managers of each Applicant consists of four persons, two of whom are affiliated persons of Insurance Company. Applicants request, pursuant to section 10(e), that the operation of section 10(b)(2) be suspended until the earlier of the 1970 annual meetings of the Applicants or March 31, 1970, so long as at least 50 percent of the members of each Board are not affiliated persons of Insurance Comapny.

Applicants allege that granting of the application is consistent with the protection of investors and will save the expense of special meetings to elect a fifth member of each Board.

Notice is further given that any interested person may, not later than February 9, 1970 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-1107; Filed, Jan. 28, 1970; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

B. Bennett Co., Inc., New Orleans, La.; 12-27-69 to 12-26-70 (men's work clothing, semidress pants and sport shirts).

Branchville Shirt Co., Branchville, S.C.; 12-29-69 to 12-28-70 (work shirts and pants).

Brook Manufacturing Co., Inc., Old Forge, Pa.; 12-28-69 to 12-27-70 (men's pants).

East Salem Manufacturing Co., Mifflintown, Pa.; 12-28-69 to 12-27-70 (ladies' blouses and dresses, and men's and boys' shirts).

Edric Manufacturing Corp., Columbia, Tenn.; 12-30-69 to 12-29-70 (men's shirts).

Franklin Ferguson Co., Inc., Florala, Ala.; 12-19-69 to 12-18-70 (men's and boys' shirts).

Garan, Inc., Starkville, Miss.; 1-3-70 to 1-2-71 (juveniles' knit shirts).

Gold Star Manufacturing Co., Scranton, Pa.; 1-6-70 to 1-5-71 (boys' trousers).

Edward Hyman Co., Hazlehurst, Miss.; 12-20-69 to 12-19-70 (men's work clothing).

Lewisburg Sportswear, Inc., Lewisburg, Tenn.; 12-22-69 to 12-21-70 (boys' sport shirts).

Livingston Shirt Corp., Livingston, Tenn.; 12-31-69 to 12-30-70 (men's shirts and pajamas).

Monroe Industries, Inc., Tellico Plains, Tenn.; 12-15-69 to 12-14-70 (men's and boys' shirts).

Pawnee Pants Manufacturing Co., Inc., Olyphant, Pa.; 12-30-69 to 12-29-70 (men's and boys' trousers).

Publix Tenn. Corp., Huntingdon, Tenn.; 1-6-70 to 1-5-71 (men's and boys' shirts).

Punxy Sportswear Co., Inc., Punxsutawney, Pa.; 12-22-69 to 12-21-70 (ladies' and misses' slacks and blouses).

Richfield Manufacturing Co., Richfield, Pa.; 12-28-69 to 12-27-70 (men's and boys' shirts).

The Salisbury Co., Salisbury, Mo.; 12-21-69 to 12-20-70 (men's pants).

Samsons Manufacturing Corp., Washington, N.C.; 12-17-69 to 12-16-70 (men's shirts).

Henry I. Siegel Co., Inc., Trezevant, Tenn.; 12-26-69 to 12-25-70 (men's and boys' pants).

W. E. Stephens Manufacturing Co., Inc., Pulaski, Tenn.; 1-2-70 to 1-1-71 (men's and boys' pants).

Vernon Manufacturing Co., Inc., Vernon, Tex.; 12-31-69 to 12-30-70 (men's and boys' uniform trousers and shorts).

Warner's, Marianna, Fla.; 12-28-69 to 12-27-70 (women's corsets and brassieres).

Warner's, Moultrie, Ga.; 1-5-70 to 1-4-71 (women's corsets and brassieres).

Warner's Thomasville, Ga.; 12-28-69 to to 12-27-70 (women's corsets and brassieres).

Whiteville Manufacturing Co., Whiteville, N.C.; 12-20-69 to 12-19-70 (children's dungarees).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Michael Berkowitz Co., Inc., Confluence, Pa.; 12-18-69 to 6-17-70; 25 learners (ladies' pajamas and washable service apparel).

Lynn Manufacturing Co., Johnston, S.C.; 12-16-69 to 6-15-70; 25 learners (women's dresses).

M. Nirenberg Sons, Inc., Adamsville, Tenn.; 12-24-69 to 6-23-70; 10 learners (men's shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Monte Glove, Inc., Maben, Miss.; 12-15-69 to 6-14-70; 7 learners for plant expansion purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

Danville Knitting Mills, Danville, Va.; 12-26-69 to 12-25-70; 5 percent of the total number of factory production workers for normal labor turnover purposes (boys' seamless hosiery).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods and the number of learners authorized to be employed, are indicated.

Adele Manufacturing Corp., Rio Grande, P.R.; 12-18-69 to 12-17-70; 10 learners for normal labor turnover purposes in the occupations of sewing machine operating and final pressing, each for a learning period of 320 hours at the rate of $1.08 an hour (men's cotton shorts).

Alfredo Manufacturing Corp., Rio Grande, P.R.; 12-18-69 to 12-17-70; 17 learners for normal labor turnover purposes in the occupations of sewing machine operating and final pressing, each for a learning period of 320 hours at the rate of $1.08 an hour (men's cotton pajamas).

Ciales Manufacturing Corp., Ciales, P.R.; 12-5-69 to 6-4-70; 30 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.23 an hour (ladies' panties).

Rio Monte Manufacturing Corp., Rio Grande, P.R.; 12-18-69 to 12-17-70; 10 learners for normal labor turnover purposes in the occupations of sewing machine operating and final pressing, each for a learning period of 320 hours at the rate of $1.08 an hour (men's cotton pajamas).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 20th day of January 1970.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 70-1093; Filed, Jan. 28, 1970; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 10]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JANUARY 23, 1970.

The following applications are governed by Special Rule 247[1] of the Commission's general rules of practice (49 CFR 1100.247 as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 1641 (Sub-No. 87), filed December 29, 1969. Applicant: PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, Nebr. 68327. Applicant's representative: R. B. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, road oil, and residual fuel oil*, in bulk, in tank vehicles, from Phillipsburg, Kans., to points in Colorado on and east of U.S. Highway 87; points in New Mexico on and east of U.S. Highway 85, and points in Wyoming on and east of U.S. Highway 87. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2900 (Sub-No. 187), filed December 26, 1969. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representatives: Larry D. Knox (same address as applicant) and Robert W. Gerson, The Commerce Building, Atlanta, Ga. 30303. Authority sought to operate as

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in Florida located east of the Appalachicola River, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Maine, Massachusetts, Missouri, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Texas (points located on and east of U.S. Highway 81 only), Michigan (Lower Peninsula only), Vermont, Wisconsin, Kansas City, Kans., and its commercial zone, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it seeks no duplicating authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Tampa or Miami, Fla.

No. MC-4405 (Sub-No. 477), filed December 23, 1969. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, Ill. 60652. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reel trailers and custom designed mobile equipment* (including but not confined to chemical trailers, warehouse, material handling equipment and pole trailers) other than those designed to be drawn by passenger automobiles, in initial truckaway service, from Miami, Fla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 9726 (Sub-No. 7), filed December 22, 1969. Applicant: T. F. DUNLAP TRUCKING CO., INC., 1280 Hicks Boulevard, Fairfield, Ohio. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings and houses*, knocked down, in sections, or assembled in units; and *building products*, between Hamilton and Fairfield, Ohio, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with the Pease Co. (formerly Pease Woodwork Co., Inc.). NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus or Cincinnati, Ohio.

No. MC 10173 (Sub-No. 11), filed December 29, 1969. Applicant: MARVIN HAYES LINES, INC., Hayes Circle, Post Office Box 468, Clarksville, Tenn. Applicant's representative: Charles H. Hudson, Jr., 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those which because of size or weight require the use of special equipment, between Hopkinsville, Ky., and Memphis, Tenn.: (A) From Hopkinsville over U.S. Highway 41A to its junction with U.S. Highway 79, thence over U.S. Highway 79 to Memphis, and return over the same route; serving no intermediate points except those presently authorized to applicant; and (B) from Memphis over Interstate Highway 240 to its junction with Interstate Highway 40, thence over Interstate Highway 40 to its junction with U.S. Highway 45, thence over U.S. Highway 45 to its junction with U.S. Highway 45E, thence over U.S. Highway 45E to its junction with U.S. Highway 79, thence over the route described in (A) above to Hopkinsville, and return over the same route; serving no intermediate points except those presently authorized to applicant. Restriction: The above sought authority is to be restricted against the transportation of traffic originating at, destined to, or interchanged at Louisville, Ky., Clarksville and Nashville, Tenn. NOTE: Applicant states that it intends to tack the sought authority in (A) above with applicant's present route at the junction of U.S. Highways 41A and 79. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it to be held at Hopkinsville, Ky., or Nashville, Tenn.

No. MC 11185 (Sub-No. 127), filed December 16, 1969. Applicant: J-T TRANSPORT COMPANY, INC., 3501 Manchester Trafficway, Kansas City, Mo. 64129. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Airplane fuselage parts uncrated*, requiring special equipment and handling other than for reason of size or weight, from Buffalo, N.Y., to Hawthorne, Calif., under contract with Twin Industries Corp., located at Buffalo, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., Washington, D.C., or Kansas City, Mo.

No. MC 19105 (Sub-No. 27), filed November 26, 1969. Applicant: FORBES TRANSFER COMPANY, INC., 301 A Highway South, Wilson, N.C. 27893. Applicant's representative: Vaughan S. Winborne, 1108 Capital Club Building, Raleigh, N.C. 27601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer* in bulk in tank vehicles, from Chesapeake, Va., to points in North Carolina on and east of U.S. Highway 301. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Richmond, Va.

No. MC 19227 (Sub-No. 138), filed December 19, 1969. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representatives: J. Fred Dewhurst (same address as applicant) and W. O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special equipment and *related parts* moving in connection therewith, between points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, on the one hand, and, on the other, points in California and Texas. NOTE: Applicant states it could tack with its Sub 32, wherein applicant is authorized to serve points in Florida, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, Alabama, Georgia, and South Carolina, to perform a through service between points in Florida, Alabama, Georgia, and South Carolina, on the one hand, and, on the other, points in California through Virginia. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., Los Angeles, Calif., Dallas, Tex., or Washington, D.C.

No. MC 22229 (Sub-No. 61), filed December 22, 1969. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. 30316. Applicant's representative: Ralph B. Matthews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of General Electric Battery Business Section near Gainesville, Fla., as an off-route point in connection with its regular route authority between Tampa and Lake City, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 29079 (Sub-No. 58), filed January 2, 1970. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Kokomo, Ind. 46901. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Cleveland, Ohio, to points in Illinois, Indiana, the Lower Peninsula of Michigan, Louisville, Ky. and St. Louis, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30837 (Sub-No. 384), filed January 2, 1970. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53141. Applicant's representative: Paul F. Sullivan, Washington Building, 15th and New York Avenue NW., Washington,

D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, in secondary movements, in truckaway service, (a) from Jackson, Miss., to points in Louisiana and Mississippi, and (b) from Memphis, Tenn., to points in Arkansas, Louisiana, Mississippi, Missouri, and Tennessee, restricted to the transportation of motor vehicles manufactured or assembled at the site of the plant of American Motors (Canada), Ltd., Brampton, Ontario, Canada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30844 (Sub-No. 307), filed December 19, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and facilities used by Seabrook Farm Co., Inc., at or near Seabrook, N.J., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 31237 (Sub-No. 6), filed December 22, 1969. Applicant: JOSEPH M. DIGNAN & SON, INC., Post Office Box 7463, Baltimore, Md. 21227. Applicant's representative: C. F. Germelman, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, automobiles, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Top Value Enterprises, Inc., store located at Centreville, Va., as an off-route point in connection with presently authorized regular routes, between Baltimore, Md., and Alexandria, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 31600 (Sub-No. 647), filed December 19, 1969. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative. Harry C. Ames, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon black*, in bulk, in tank, or hopper-type vehicles, from Toledo, Ohio, to points in Kentucky, Indiana, Maryland, Massachusetts, Michigan, New York, Ohio, Pennsylvania, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 34087 (Sub-No. 3), filed December 10, 1969. Applicant: NORMAN HILLS, Angel Road, Silver Creek, N.Y. 14136. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour, feed, grain products, and bakery materials*, from Buffalo, N.Y., to points in Butler, Allegheny, Westmoreland, and Green Counties, Pa., under contract with The Pillsbury Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 42487 (Sub-No. 737), filed November 24, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Western Traffic Service, Post Office Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from Healdsburg, St. Helena, and Ukiah, Calif., to Denver, Colo. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 51146 (Sub-No. 155), filed January 2, 1970. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: Donald F. Martin (same address as applicant) and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Marine propulsion equipment;* (2) *snow vehicles;* (3) *accessories, equipment, components, parts and related articles* for the commodities described in (1) and (2) above; (4) *advertising material and premiums, and materials, equipment, supplies, and paraphenalia*, used in or in connection with the manufacture, sale and distribution of the commodities described in (1), (2), and (3) above; and (5) *plastic products*, from Cedarburg, Oshkosh, and Fond du Lac, Wis., and points in Osceola County, Fla., to points in the United States (except Alaska and Hawaii); and (B) *return shipments* of the commodities described in (A) above, and *materials, equipment, and supplies* used in or in connection with the manufacture, sale and distribution of the commodities described in (A), (1), (2), (3), and (5) above, and in plant construction, from points in the United States (except Alaska and Hawaii), to the above-named origin points. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that it does not seek duplicative authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52869 (Sub-No. 92), filed December 15, 1969. Applicant: NORTHERN TANK LINE, Post Office Box 970, Miles City, Mont. 59301. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road oil, asphalt, and fuel oil*, in bulk, from points in Montana to points in Idaho and Utah. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont., Boise, Idaho, or Salt Lake City, Utah.

No. MC 52921 (Sub-No. 11), filed December 24, 1969. Applicant: RED BALL, INC., Post Office Box 520, Sapulpa, Okla. 74066. Applicant's representative: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery and confectionery products, and related advertising materials*, from Sulphur Springs, Tex., to points in Oklahoma, Kansas, Colorado, Arkansas, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 61592 (Sub-No. 163), filed December 15, 1969. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: R. Connor Wiggins, Jr., 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building board, wallboard, insulation board, and laminated flakeboard, and accessories and supplies* used in the installation thereof, from Wright City, Mo., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico (except Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Ohio, Pennsylvania, and Wisconsin). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 67450 (Sub-No. 33), filed December 12, 1969. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 South Ewing Avenue, Chicago, Ill. 60617. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain and grain products*, from Chicago, Ill., to points in Kentucky, Maryland, Pennsylvania, New Jersey, and New York. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked

with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 71459 (Sub-No. 17), filed November 10, 1969. Applicant: HOPPER TRUCK LINES, a corporation, 2800 Bayshore Road, Palo Alto, Calif. 94303. Applicant's representatives: John R. Turney, 342 West Vista Avenue, Phoenix, Ariz., and Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous articles, household goods, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading); between Phoenix, Ariz., and Silver City, N. Mex., from Phoenix over U.S. Highway 70 to junction New Mexico Highway 90, at or near Lordsburg, N. Mex., thence over New Mexico Highway 90 to Silver City, and return over the same route, serving all intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., El Paso, Tex., Silver City, N. Mex., or Los Angeles, Calif.

No. MC 73165 (Sub-No. 279), filed December 22, 1969. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between points in Alabama on the one hand, and, on the other, points in North Carolina and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 74416 (Sub-No. 8), filed December 15, 1969. Applicant: LESTER M. PRANGE, INC., Post Office Box 1, Kirkwood, Pa. 17536. Applicant's representative: Bernard N. Gingerich, 110 West State Street, Quarryville, Pa. 17566. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated sheet metal products and equipment, materials and supplies* used in the installation of sheet metal products (except commodities which because of size and weight require the use of special equipment), from the plantsites of Berger Brothers Co. in Lower South Hampton Township (Bucks County), Pa., Birmingham Supply and Metal Corp., Adelta Manufacturing Co., Inc., Acme Manufacturing Co., and Southwark Metal Manufacturing Company of Philadelphia, Pa., to points in Virginia, North Carolina, South Carolina, and Georgia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Camden, N.J.

No. MC 76032 (Sub-No. 249), filed December 18, 1969. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: William E. Kenworthy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except explosives, commodities requiring special equipment, livestock, fresh fish, coal, ore, sand, gravel, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading), between Salina, Kans., and Lamar, Colo.; from Salina over U.S. Highway 81 to McPherson, Kans., thence over U.S. Highway 56 to Larned, Kans., thence over U.S. Highway 156 to Garden City, Kans., thence over U.S. Highway 50 to Lamar, Colo., and return over the same route, serving no intermediate points and serving Salina and Lamar for purposes of joinder only, in connection with applicant's regular route operations between Kansas City, Mo., and Pueblo, Colo. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 78687 (Sub-No. 26), filed January 2, 1970. Applicant: LOTT MOTOR LINES, INC., Routes 6 and 92, Rural Delivery 4, Tunkhannock, Pa. 18657. Applicant's representative: E. Stephen Heisley, 705 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from points in Milo Township, Yates County, N.Y., to points in New Jersey, New York, Pennsylvania, Connecticut, Massachusetts, Rhode Island, Vermont, Maine, and New Hampshire. NOTE: Applicant holds contract carrier authority under Docket No. MC 2505, therefore, dual operations may be involved. Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 83539 (Sub-No. 268) (Correction), filed November 25, 1969, published FEDERAL REGISTER issue of December 24, 1969, and republished, as corrected, this issue. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Pueblo, Colo., to points in the United States (except Alaska, Hawaii, Idaho, Maine, New Hampshire, Ohio, Vermont, and Wyoming). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. The purpose of this republication is to correctly set forth authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Denver, Colo.

No. MC 85811 (Sub-No. 3), filed December 12, 1969. Applicant: AMSCO TRANSPORTATION, INC., Post Office Box 14147, Houston, Tex. 77021. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in Fort Bend County, Tex., to points in Texas, Louisiana, Mississippi, Arkansas, Oklahoma, and New Mexico. NOTE: Applicant states it would tack with its Sub 2 at Corpus Christi, Galveston, and Houston, Tex., to points in Texas. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 97489 (Sub-No. 2) (Clarification), filed October 21, 1969, published in the FEDERAL REGISTER issue of November 27, 1969, clarified, and republished as clarified this issue. Applicant: WILLIAM A. MARSHALL, doing business as BEST-WAY TRANSPORTATION, Bridgeport Municipal Airport, Stratford, Conn. 06497. Applicant's representative: William J. Meuser, 101 River Street, Milford, Conn. 06460. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities of extraordinary value, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission) having a prior or subsequent movement by air, between John F. Kennedy Airport, La Guardia Airport and Westchester County Airport, N.Y.; Newark Airport, N.J.; and Bradley International Airport, Conn., on the one hand, and, on the other, New Haven, Hartford, Bridgeport, New London, Groton, Stratford, Southport, Fairfield, Westport, Norwalk, Stamford, Milford, Orange, West Haven, Danbury, Darien, Trumbull, Derby, Waterbury, Seymour, Oxford, Greenwich, Thompsonville, Wilton, and Ridgefield, Conn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to clarify the exception to the commodities by deleting the parenthesis from behind the word "air" and placing it behind the word "Commission", thus reflecting the commodities as having a prior or subsequent movement by air. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 100623 (Sub-No. 21), filed December 22, 1969. Applicant: HOURLY MESSENGERS, INC., doing business as H-M PACKAGE DELIVERY SERVICE, 20th Street and Indiana Avenue, Philadelphia, Pa. 19132. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics, toiletries, cosmetic and toilet accessories, home products, and related advertising and display material*, from the facilities of Avon Products, Inc., Newark, Del., to points in New Jersey, Maryland, Virginia, the District of Columbia, Delaware, and Adams, Berks,

Bucks, Carbon, Chester, Cumberland, Delaware, Dauphin, Franklin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Perry, Schuylkill, and York Counties, Pa., subject to the restriction that no service shall be rendered in the transportation of any package or article weighing more than 50 pounds and no service shall be rendered in the transportation of packages or articles weighing in the aggregate more than 250 pounds from the consignor to one consignee at one location on any one (1) day; and return of *refused, damaged and rejected shipments,* from the above-described destinations, to the above-described origin. NOTE: Applicant states that it does not intend to tack. Applicant holds contract carrier authority under MC 102799, therefore, dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa. or Washington, D.C.

No. MC 100623 (Sub-No. 19), filed December 22, 1969. Applicant: HOURLY MESSENGERS, INC., doing business as H. M. PACKAGE DELIVERY SERVICE, 20th Street and Indiana Avenue, Philadelphia, Pa. 19132. Applicant's representative: V. Baker Smith and James W. Patterson, 2107 The Fidelity Building, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Toiletries, cosmetics, toilet and cosmetic accessories, and related advertising and display materials,* from the facilities of Revlon, Inc., at or near Edison, N.J., to points in Delaware, New Jersey, Maryland, Virginia, the District of Columbia, and Chester, Delaware, Montgomery, Bucks, Berks, Philadelphia, Dauphin, Lancaster, Lebanon, Lehigh, Northampton, York, Schuylkill, Carbon, Monroe, Luzerne, Lackawanna, Adams, Perry, Cumberland, and Franklin Counties, Pa., subject to the restriction that no service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined and no service shall be rendered in the transportation of packages or articles weighing in the aggregate more than 250 pounds from the consignor to one consignee at one location on any one day. NOTE: Applicant holds contract carrier authority under Docket No. MC 102799, therefore, dual operations may be involved. Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 100666 (Sub-No. 159), filed December 29, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representatives: Paul Caplinger (same address as above) and Wilburn L. Williamson, 600 Leninger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and particleboard,* from Albuquerque, N. Mex., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held in Albuquerque or Santa Fe, N. Mex.

No. MC 103993 (Sub-No. 483) (Correction), filed December 10, 1969, published in the FEDERAL REGISTER issue of January 15, 1970, corrected, and partially republished as corrected, this issue. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). NOTE: The purpose of this partial republication is to reflect the correct MC number of applicant as MC–103993 (Sub-No. 483) in lieu of MC 193993. The rest of the application remains the same.

No. MC 103993 (Sub-No. 484), filed December 19, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul Borghesani and Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Structural steel, roof decks, steel joists, steel sheets, steel beams, steel trusses, steel channels, steel plates, steel bars, steel braces, and accessories and parts* used in the erection and completion of these products, from Canton, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 103993 (Sub-No. 485), filed December 22, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Precast concrete slabs, columns, beams, purlins, channels, panels, and parts, accessories and materials* used in the construction, erection and completion thereof, from points in Winnebago County, Wis., to points in Illinois, Indiana, Ohio, Pennsylvania, New York, New Jersey, Maryland, West Virginia, Kentucky, Tennessee, Missouri, Kansas, Nebraska, Iowa, Minnesota, North Dakota, South Dakota, and Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 103993 (Sub-No. 490), filed December 22, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514 Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (A) (1) *Buildings,* complete, knocked down or in sections; (2) *materials, equipment and supplies, and accessories* for buildings; (3) *wood products;* (4) *composition wood products;* (5) *laminated products;* and (6) *parts and accessories* for products in (3), (4), and (5) above, from Waunakee and Madison, Wis., to points in the United States (except Alaska and Hawaii); and (B) *return shipments and material, equipment, and supplies* used in manufacturing and distribution of products authorized in parts (1), (2), (3), (4), (5), and (6), from above-described destination points to Waunakee and Madison, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 103993 (Sub-No. 493), filed December 22, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, from points in Shenandoah County and Fredericksburg, Va., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106644 (Sub-No. 103), filed January 2, 1970. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Post Office Box 916, Atlanta, Ga. 30318. Applicant's representative: K. Edward Wolcott, Post Office Box 916, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Galvanized steel chain link fabric, gates, posts, fittings, and accessories,* from points in Dade and Duval Counties, Fla., to points in Alabama, Arizona, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Louisiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Washington, D.C.

No. MC 107295 (Sub-No. 186) (Corrected amendment), filed March 20, 1969, published in FEDERAL REGISTER issues of April 10, 1969, and November 27, 1969, and republished as corrected, this issue. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes,

transporting: *Gypsum products; composition board; insulating materials; roofing and roofing materials; urethane and urethane products; and related materials, supplies, and accessories incidental thereto,* from Camden, Ark., Chicago and Peoria, Ill., and Lagro, Ind., to points in the United States in and east of Montana, Wyoming, Colorado, New Mexico. NOTE: Applicant states it would tack with its MC 107295 where feasible. The purpose of this republication is to correct the destination territory sought to be served. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 107295 (Sub-No. 274), filed December 15, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Heating, cooling, and refrigeration system, equipment, machinery, parts, and accessories; water heaters, and purifiers* from Beardstown and Danville, Ill., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that tacking may take place at either Beardstown or Danville, Ill., on traffic originating in Arkansas, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin for transportation beyond, as authorized under its MC–107295, Part (B). If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 107295 (Sub-No. 275), filed December 22, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Structural steel, steel joists and accessories, steel pipe and tubing, steel bars, reinforcing bars, and steel mesh; solid roofing asphalt, roofing, fabricated steel, wallboard, pulpboard, building board, insulation board, laminated flakeboard, and accessories and supplies* used in the installation thereof, from St. Louis, Mo.; Alton and Madison, Ill., and Wright City, Mo., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico. NOTE: Applicant states that tacking may take place at St. Louis or Wright City, Mo., and Alton and Madison, Ill., on traffic originating in Arkansas, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin for transportation beyond, as authorized under its MC 107295, Part (b). If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 277), filed December 22, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wallboard, plywood, lumber, flooring and flooring adhesives, mouldings, jams, treads, sills, paneling, composition board, pulpboard, veneer and particle board,* from points in Alabama, Arkansas, Louisiana, Mississippi, Tennessee, and Texas to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that tacking could take place at points in Arkansas or Tennessee on traffic originating in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin for transportation beyond, authorized under its MC–107295, Part (B). If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 107311 (Sub-No. 19), filed December 22, 1969. Applicant: PACIFIC WESTERN TRANSPORT, INC., 909 29th Street North, Lewiston, Idaho 83501. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Scrap automobiles and parts; and used automobile parts,* from points in Idaho to points in Multnomah and Washington Counties, Oreg., and points in Pierce, King, and Spokane Counties, Wash. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho, Portland, Oreg., or Spokane or Seattle, Wash.

No. MC 108053 (Sub-No. 92) (Correction), filed January 8, 1969, published in FEDERAL REGISTER issue of January 15, 1970, and republished, as corrected, this issue. Applicant: LITTLE AUDREY'S TRANSPORTATION, CO., INC., Post Office Box 129, Fremont, Nebr. 68025. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses,* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), (1) from Arkansas City and Wichita, Kans., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington; and (2) from Kansas City, Kans., to points in Arizona, Idaho, Nevada (except Las Vegas and Reno), Oregon, Utah, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. The purpose of this republication is to include the State of Oregon, as a destination point in (1) above, which was erroneously omitted in previous publication. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans.

No. MC 109026 (Sub-No. 13), filed December 23, 1969. Applicant: MANNING MOTOR EXPRESS, INC., Post Office Box 685, Glasgow, Ky. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Westmoreland, Tenn., and Glasgow, Ky., over U.S. Highway 31E, serving Westmoreland for purposes of joinder only, and serving all intermediate points in Kentucky, and (2) from Glasgow, Ky., over U.S. Highway 31E to junction with Kentucky Highway 70, thence over Kentucky Highway 70 to its junction with U.S. Highway 68; also from junction Kentucky Highway 70 and unnumbered highway at or near Knob Lick, over said unnumbered highway to its junction with U.S. Highway 68, and return over said routes, serving all intermediate points. Restriction: Above routes restricted against tacking with carrier's other authority in the handling of traffic which originates at, is destined to, or interchanged at Louisville, Ky., and points in its commercial zone, on the one hand, and, on the other, which originates at, is destined to, or interchanged at Nashville, Tenn., and points in its commercial zone. NOTE: Applicant presently holds authority over the route shown in (1) above, but which is subject to certain restrictions. The purpose of this application is to remove the present restrictions applicable to said route, and to substitute in lieu thereof the restriction set out above, and also to procure authority to service points on route (2) above. Applicant does not seek duplicating authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 110525 (Sub-No. 950), filed December 22, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036, and Edwin H. Van Deusen (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Benzene phosphorous dichloride,* in bulk, from Mount Pleasant, Tenn., to Gallipolis Ferry, W. Va. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 111812 (Sub-No. 395), filed December 26, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representatives: Donald L. Stern 630 City National Bank Building,

Omaha, Nebr. 68102, and R. H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Hygrade Food Products Corp. at Clarinda, Postville, and Storm Lake, Iowa, to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 111940 (Sub-No. 49), filed December 18, 1969. Applicant: SMITH's TRUCK LINES, a corporation, Post Office Box 88, Muncy, Pa. 17756. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from points in Milo Township, Yates County, N.Y., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112148 (Sub-No. 47), filed December 30, 1969. Applicant: POWERS TRANSPORTATION, INC., Post Office Box 87, Storm Lake, Iowa 50588. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from Clarinda, Postville, and Storm Lake, Iowa, to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 113828 (Sub-No. 169), filed December 26, 1969. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representatives: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006, and John F. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, from Richmond, Va., to points in Virginia. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113828 (Sub-No. 170), filed December 26, 1969. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representatives: John F. Grimm (same address as applicant) and William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Baltimore, Md., and Washington, D.C., to points in West Virginia. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113974 (Sub-No. 40), filed December 29, 1969. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, Pa. 15034. Applicant's representative: W. H. Schlottman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel pipe, pipe fittings, valves, hydrants, and gaskets*, from Birmingham, Ala., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 114290 (Sub-No. 40), filed December 17, 1969. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth, Portland, Oreg. 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ingredients* used in the food products industry and *foodstuffs* (excluding commodities in bulk, frozen foods, canned goods and fresh and cured meats); limited to commodities moving in vehicles equipped with mechanical refrigeration, from Oakland and Los Angeles, Calif., to Aberdeen, Everett, Spokane, Yakima, Grandview, Kennewick, and Walla Walla, Wash.; and Albany, Astoria, Bend, Coos Bay, Cornelius, Corvallis, Grants Pass, Hood River, Klamath Falls, Salem, and Springfield, Oreg.; and Missoula, Mont., and Lewiston, Idaho. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 115162 (Sub-No. 189), filed January 2, 1970. Applicant: POOLE TRUCK LINE, INC., Post Office Box 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Petroleum products*, in containers, *emulsified petroleum sizing*, in drums, *paints*, in containers, and *gasoline additives*, in drums, from Beaumont, Tex., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, and Tennessee, and (2) *empty returned drums and containers*, from points in Alabama, Florida, Georgia, Kentucky, Mississippi, and Tennessee to Port Arthur, West Port Arthur, and Beaumont, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 115162 (Sub-No. 190), filed January 2, 1969. Applicant: POOLE TRUCK LINE, INC., Post Office Box 500, Evergreen, Ala. 36401. Applicant's representative; Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardboard, composition boards, insulation boards, plywoods and/or particleboards, and parts, materials and accessorial items necessary for the installation thereof*, from the plantsite and warehouse site of the ABITIBI Corp. in Wilkes County, N.C., to points in Alabama, Florida, Georgia, South Carolina, Mississippi, Louisiana, Texas, Arkansas, Oklahoma, Kansas, Missouri, Iowa, Illinois, Indiana, Kentucky, Tennessee, and West Virginia, and (2) *commodities used in the manufacture of hardboard, composition boards, insulation boards, plywood and/or particleboard, and parts, materials and accessorial items incidental to the transportation and installation thereof*, from points in Alabama, Florida, Georgia, South Carolina, Mississippi, Louisiana, Texas, Arkansas, Oklahoma, Kansas, Missouri, Iowa, Illinois, Indiana, Kentucky, Tennessee, and West Virginia to plant and warehouse sites of the ABITIBI Corp. in Wilkes County, N.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is

deemed necessary, applicant requests it be held at Washington, D.C., or Charlotte, N.C.

No. MC 115523 (Sub-No. 153) (Amendment), filed June 26, 1969, published in the FEDERAL REGISTER issues of August 7, 1969, and September 11, 1969, and republished this issue. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 North Beck Street, Salt Lake City, Utah 84116. Applicant's representative: Halard E. Barker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road oil, asphalt, and fuel oil* in bulk, (a) between points in Iron, Beaver, Millard, Grand, Piute, Juab, and Tooele Counties, Utah, and points in Nevada and Arizona; (b) from Grand Junction and Fruita, Colo., and 5 miles thereof each to points in Utah, Arizona, California, Colorado, Nevada, Idaho, Oregon, Washington, Wyoming, Montana, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (c) from points in Emery, Duchesne, and Uintah Counties, Utah, to points in Arizona, Colorado, Nevada, New Mexico, Idaho, and Wyoming. NOTE: Applicant states it intends to tack the sought authority under MC-115523, Subs 19, 20, 27, and 60 wherein it is authorized to serve points in Oregon, Idaho, Utah, and Wyoming. Applicant further states no duplicating authority sought herein. The purpose of this republication is to reflect a change in the territorial scope of the application. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah or Grand Junction, Colo.

No. MC 115669 (Sub-No. 108), filed December 22, 1969. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Applicant's representative: Donald L. Stern, 630 City National Bank Bldg., Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, and agricultural chemicals* (other than food or feed ingredients), from Humboldt, Iowa, to points in Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 116626 (Sub-No. 4), filed December 12, 1969. Applicant: C. W. EANES, Route 1, Box 5, Gretna, Va. Applicant's representative: Edward G. Villalon, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and machinery, parts and attachments*, from points in Pennsylvania to points in Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117165 (Sub-No. 28) (Correction), filed November 21, 1969, published FEDERAL REGISTER issue of January 8, 1970, corrected in part, and republished as corrected, this issue. Applicant: C. J. DAVIS, doing business as ST. LOUIS FREIGHT LINES, 1000 Michigan Avenue, St. Louis, Mich. 48880. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. NOTE: The purpose of this partial republication is to show the correct name of applicant as C. J. DAVIS, in lieu of C. J. David, as shown erroneously in previous publication. The rest of the application remains the same.

No. MC 117427 (Sub-No. 63) (Correction), filed November 7, 1969, published FEDERAL REGISTER issues of December 11 and 18, 1969, and January 22, 1970, and corrected in part, and republished as corrected, this issue. Applicant: G. G. PARSONS TRUCKING CO., a corporation, Post Office Box 1085, North Wilkesboro, N.C. 28659. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. (2) Commodities used in the manufacture of hardboards, insulation boards, plywoods, or particleboards, and parts, materials, and accessorial items incidental to the transportation and installation thereof, in truckloads (*except in bulk, in tank vehicles*, from points in Delaware, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, Georgia, and Alabama, to the plant and warehouse sites of the Abitibi Corp. in Wilkes County, N.C. NOTE: The purpose of this partial republication is to reflect insulation boards, in lieu of insulating boards, as shown in previous publication and to include the exceptions, which were inadvertently omitted from previous publication. The rest of the application remains the same.

No. MC 117762 (Sub-No. 2), filed January 7, 1970. Applicant: MIKE FALCONE, JR. and ROBERT FALCONE, a partnership, doing business as MIKE FALCONE, JR. & SON, 9504 Ocala Street, Silver Spring, Md. 20907. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Suite 634, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas, plantains, pineapples and coconut*, and (2) *agricultural commodities*, in mixed shipments, the transportation of which is partially exempt under section 203(b)(6) of the Act when transported in mixed shipments with (1) above, from Wilmington, Del., to points in New Jersey, Maryland, Mount Kisco, and Waterford, N.Y., and Washington, D.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 117765 (Sub-No. 94), filed December 29, 1969. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet, carpeting, padding and materials, and supplies* used in the manufacture, installation, or distribution thereof, between the plantsites, warehouses and shipping facilities of Arrowhead Carpet Mills, Inc., Rio Rancho Estates (Sandoval County), N. Mex., and points in Alabama, Arkansas, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 118292 (Sub-No. 21), filed December 8, 1969. Applicant: BALLENTINE PRODUCE, INC., Post Office Box 312, Alma, Ark. 72921. Applicant's representatives: Lester M. Bridgeman and Nancy Pyeatt, 1000 Woodward Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poultry and poultry products*, from Clarksville and Bloomer, Ark., and Muskogee, Okla., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Washington, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 118292 (Sub-No. 22), filed December 8, 1969. Applicant: BALLENTINE PRODUCE, INC., Post Office 312, Alma, Ark. 72921. Applicant's representative: Lester M. Bridgeman and Nancy Pyeatt, 1000 Woodward Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Russellville, Ark., to points in Arkansas, Mississippi, Louisiana, Alabama, Tennessee, Georgia, North Carolina, South Carolina, Kentucky, and Florida, restricted to traffic originating at the plantsite and warehouse facilities of Morton Frozen Foods at or near Russellville, Ark. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Little Rock, Ark.

No. MC 118959 (Sub-No. 66), filed December 22, 1969. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: Frank D. Hall 1273 West Peachtree Street, NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, paving and roofing materials, and related articles and accessories, and equipment*

materials and supplies used in the manufacturing and process of these articles on return, except commodities in bulk, from Memphis, Tenn., to points in Arkansas, Kentucky, Louisiana, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract authority under MC 125664, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Memphis, Tenn.

No. MC 119726 (Sub-No. 22), filed December 18, 1969. Applicant: N. A. B. TRUCKING CO., INC., 1007 East 27th Street, Indianapolis, Ind. 46205. Applicant's representative: James L. Beattey, 130 East Washington Street, No. 1021, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrapping paper and pulpboard*, not corrugated from Ferguson, Miss., to Mobile, Ala., and Pensacola, Fla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 119767 (Sub-No. 233), filed January 5, 1970. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, coffee, and tea*, from Marysville and Sunbury, Ohio, to Detroit, Mich.; Granite City and Franklin Park, Ill.; and Hazelwood, Mo. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 120543 (Sub-No. 65), filed December 26, 1969. Applicant: FLORIDA REFRIGERATED SERVICE, INC., Highway 301 North, Post Office Box 1297, Dade City, Fla. 33525. Applicant's representative: L. D. Fay, 1205 Universal Marion Building, Post Office Box 1086, Jacksonville, Fla. 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Wellston, Ohio, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, and Texas. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Columbus, Ohio.

No. MC 123048 (Sub-No. 167), filed December 24, 1969. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703, and Paul L. Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from points in Grand and Jackson Counties, Colo., and Carbon County, Wyo., to points in Minnesota and Nebraska, and (2) *pressure treated posts and pressure treated poles*, from points in Albany County, Wyo., to points in Nebraska, Missouri, Michigan, Minnesota, Ohio, Illinois, Wisconsin, Iowa, and Indiana. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123392 (Sub-No. 23), filed December 17, 1969. Applicant: JACK B. KELLEY, INC., 3801 Virginia, Amarillo, Tex. 79109. Applicant's representative: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. 79101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon monoxide*, in bulk, from Marmet and Belle, W. Va., to points in the United States including Alaska, but excepting Hawaii. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., or Oklahoma City, Okla.

No. MC 123446 (Sub-No. 24), filed December 22, 1969. Applicant: BAKERY PRODUCTS DELIVERY, INC., 404 West Putnam Avenue, Greenwich, Conn. Applicant's representative: Reubin Kaminsky, Post Office Box 17, 2056. 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, fresh (except frozen and unleavened bakery products), from Greenwich, Conn., to Fredericksburg and Richmond, Va., stale, damaged, refused, rejected, and nonsalable shipments of the described commodities and empty containers from the above named destination points to the above named origin point. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 123695 (Sub-No. 2), filed December 22, 1969. Applicant: BRIGGS TRANS., INC., 1 Brownstone Avenue, Portland, Conn. 06480. Applicant's representative: Reubin Kaminsky, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasolines and fuel oils*, in bulk, in tank vehicles, and *lubricating oils, greases, waxes, and proprietary antifreeze preparations*, in packages and containers, from Portland, Conn., to points in Massachusetts on and west of Massachusetts Highway 12, under a continuing contract or contracts with Cities Service Oil Co., of New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 124004 (Sub-No. 15) (Amendment), filed November 21, 1969, published in FEDERAL REGISTER issue of December 18, 1969, amended December 23, 1969, and republished, as amended, this issue. Applicant: RICHARD DAHN, INC., Rural Delivery No. 1, Sparta, N.J. 07871. Applicant's representative: George Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer, fertilizer materials*, in bags and in bulk; (2) *agricultural insecticides, fungicides and weed killing compounds*, in containers, when shipped with fertilizer and/or fertilizer materials in mixed loads, from Albany, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; and (3) *animal and poultry feed and animal and poultry feed ingredients*, from points in the New York, N.Y., commercial zone, as defined by the Commission to points in New York, New Jersey, Pennsylvania, New Hampshire, Vermont, Maine, Massachusetts, North Carolina, Virginia, Maryland, Delaware, Rhode Island, Connecticut, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to include the State of Connecticut as a destination point in (3) above. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 124211 (Sub-No. 143), filed December 22, 1969. Applicant: HILT TRUCK LINE, INC., 1415 South 35th Street, Post Office Drawer H, Council Bluffs, Iowa 51501. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Waste and salvage materials*, when moving in mixed loads with junk and scrap materials (presently authorized), between points in Nebraska, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Florida, Georgia, Louisiana, Maine, Mississippi, Nebraska, New Hampshire, New Mexico, North Carolina, Oklahoma, South Carolina, Texas, and Vermont; and (2) *advertising matter, display racks, and premiums*, when moving in mixed loads with beverages and foodstuffs; and *beverages and foodstuffs*, between points in Pottawattamie and Woodbury Counties, Iowa, and Adams, Dakota, Douglas, Hall, Lancaster, Nance, Otoe, and Sarpy Counties, Nebr., on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states

that it does not seek any duplicating authority. Applicant further states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124391 (Sub-No. 5), filed December 18, 1969. Applicant: HUNTINGTON WESTFORD, INC., Westford, N.Y. 13488. Applicant's representatives: Norman M. Pinsky and Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silos and parts and accessories* thereof, from Whitestown (Oneida County), N.Y., to points in Pennsylvania, Connecticut, Massachusetts, and Vermont, under a continuing contract or contracts with Madison Silos Division of Martin Marietta Corp., of Madison, Wis. NOTE: Applicant states that no duplicating authority is involved, sought, or intended. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 124522 (Sub-No. 7), filed December 22, 1969. Applicant: CARLO C. DROGO, Delaware Avenue, Landisville, N.J. 08326. Applicant's representative: Robert B. Einhorn, 12 South 12th Street, 1540 PSFS Building, Philadelphia, Pa. 19107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Concrete products*, from Buena, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Virginia, and the District of Columbia; and (2) *materials, supplies, and equipment* used in the manufacture of concrete products (except commodities in bulk and except cement), from points in Connecticut, Delaware, Maryland, New York, Pennsylvania, Virginia, and the District of Columbia to Buena, N.J., under contract with United Precasting Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 124669 (Sub-No. 27), filed December 5, 1969. Applicant: TRANSPORT, INC., OF SOUTH DAKOTA, 1012 West 41st Street, Sioux Falls, S. Dak. 57105. Applicant's representative: Ronald B. Pitsenbarger, Post Office Box 396, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Petroleum and petroleum products*, in bulk; (1) from Sioux Falls, S. Dak., to points in Minnesota and Iowa; and (2) from Rock Rapids, Iowa, to points in South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held in Minneapolis, Minn.

No. MC 126276 (Sub-No. 22) filed December 21, 1969. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container components and ends, container tops and closures, and supplies* used in the manufacture and distribution of *metal containers, ends, tops and closures* that move with *metal containers, ends, tops, and closures*, from the plantsite of Crown Cork & Seal Co., Inc., at or near Cleveland, Ohio, to points in Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maryland. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127219 (Sub-No. 3), filed January 10, 1970. Applicant: KEREK AIR FREIGHT CORPORATION, Post Office Box 213, Lancaster, Pa. 17604. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Berks County, Pa., on the one hand, and, on the other, Lancaster, Pa.; restricted to traffic having a prior or subsequent movement by air. NOTE: Applicant states it proposes to tack with existing authority in its Sub-No. 1, between Lancaster, Pa., and the Philadelphia International Airport, Philadelphia, Pa. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 127505 (Sub-No. 30), filed December 15, 1969. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, Route 2, Mendota, Ill. 61342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal briquets*, from Meta, Mo., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 127631 (Sub-No. 3), filed December 3, 1969. Applicant: HAWAIIAN VAN & STORAGE, CO., LTD., 601 Middle Street, Honolulu, Hawaii 96819. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities ordinarily transported in dump trucks, between points in Hawaii, restricted to traffic originating at or destined to points beyond the State of Hawaii. NOTE: In connection with tacking applicant states it proposes to enter into joint through motor-water-water rates under section 216(c) of the Act. If a hearing is deemed necessary, applicant requests it be held at Honolulu, Hawaii.

No. MC 127726 (Sub-No. 2), filed December 22, 1969. Applicant: LEMAN KNIGHT, doing business as PETE KNIGHT TRUCKING COMPANY, R.F.D. 1, Detroit, Ala. Applicant's representative: Rubel L. Phillips, Post Office Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and timber* from the plantsite of McShan Lumber Co., Inc., McShan, Ala., to points in Mississippi, Arkansas, Louisiana, Texas, Oklahoma, Alabama, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Kentucky, Tennessee, Michigan, Ohio, West Virginia, North Carolina, South Carolina, and Georgia; under a continuing contract with McShan Lumber Co., Inc., McShan, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Jackson, Miss.

No. MC 127834 (Sub-No. 46), filed December 5, 1969. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water heaters, storage tanks and boilers and materials, equipment, and supplies* used in their manufacture, between Dallas, Tex., on the one hand, and, on the other, points in Texas, Oklahoma, Kansas, Nebraska, North Dakota, and South Dakota and all States east thereof. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 127834 (Sub-No. 47) filed December 22, 1969. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between Harriman, Tenn., and points in Tennessee west of U.S. Highway 27, points in Alabama on and north of U.S. Highway 278, points in Mississippi on and north of U.S. Highway 82, points in Arkansas on and east of U.S. Highway 67, points in Missouri on and east of U.S. Highway 67, and points in Kentucky on and south of U.S. Highway 62 and on and west of U.S. Highway 127. Restriction: The above authority is restricted to the handling of traffic having a prior or subsequent movement by rail. NOTE: Applicant states that the re-

quested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 129806 (Sub-No. 2) (Amendment), filed November 26, 1969, published in the FEDERAL REGISTER issue of December 24, 1969, and republished as amended this issue. Applicant: J. MITCHKO TRUCKING, INC., Rural Delivery 1, Limecrest Road, Lafayette, N.J. 07848. Applicant's representatives: Bert Collins and Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry salt*, in bulk, from points in New Jersey to points in New York, Connecticut, Massachusetts, New Jersey, Pennsylvania, Rhode Island, Delaware, Maryland, and the District of Columbia, restricted to shipments having a prior movement by rail or water; and (2) *dry salt*, in bulk, and in bags, *dry salt with additives, dry pepper, and dry mineral mixtures*, from Jersey City and Carteret, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, and the District of Columbia, and damaged or otherwise rejected shipments of such commodities in (1) and (2) above, on return. NOTE: Applicant states that it now transports dry salt, in bulk and salt and salt products in packages, within a substantial portion of the area for Morton Salt Co. No duplicating authority is being sought. Applicant further states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to include Carteret, N.J., as an origin point in part (2) above. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133371 (Sub-No. 1), filed January 7, 1970. Applicant: JOHN R. SCOTT, doing business as SCOTT MOVING & STORAGE COMPANY, Post Office Box 303, Milford, Del. 19963. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods and personal effects*, in containers, between points in Delaware and those in Caroline and Queen Anne Counties, Md., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states that it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Dover, Del., or Salisbury, Md.

No. MC 133528 (Sub-No. 2), filed December 1, 1969. Applicant: UPTON FUEL & CONSTRUCTION CO., INC., Maple Avenue, West Upton, Mass. 01587. Applicant's representative: Arthur A. Wentzell, Post Office Box 720, Worcester, Mass. 10601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry supplies*, in bulk, namely coke, wood flour, southern and western bentonite, pulverized soft coal, sand and clay, from West Upton, Mass., to Northbridge, Mass. (restricted to traffic having a prior movement by rail). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston or Worcester, Mass.

No. MC 133820 (Sub-No. 2) filed December 29, 1969. Applicant: CLYDE W. PLUNKARD, Route 2, Boonsboro, Md. 21713. Applicant's representative: Charles McD. Gillan, Jr., 113 Montrose Avenue, Baltimore, Md. 21228. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, in packages, in vehicles equipped with mechanical refrigeration, and *empty shipping packages for dairy products;* (1) from Hagerstown, Md., to Washington, D.C.; and (2) between Hagerstown, Md., and points in Delaware, Georgia, Maryland, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 134203 (Sub-No. 2), filed December 22, 1969. Applicant: CHEMICAL STORAGE AND TRANSPORT CORPORATION, Post Office Box 419, 5100 Virginia Beach Boulevard, Norfolk, Va. 23501. Applicant's representative: Robert V. Peabody (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur*, molten, in bulk, in tank vehicles, from storage facilities of Chemical Storage and Transport Corp., Chesapeake, Va., to Tunis (Hertford County), N.C., and Plymouth (Washington County), N.C., under contract with Texas Gulf Sulphur Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 134219, filed November 21, 1969. Applicant: GEORGE V. D'AGOSTINO, doing business as AIRLIN TRUCKING CO., 213–217 Poinier Street, Newark, N.J. 07104. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chalk*, except in bulk, in tank vehicles, from piers in New York, N.Y., Harbor as defined by the Commission, to Pottstown, Reading, Easton, and Philadelphia, Pa.; Summit, Hillside, Linden, Bound Brook, Kenilworth, Newark, and Passaic, N.J.; Jewett City, Wilton, Fairfield, New Haven, Hartford, and Bridgeport, Conn.; Potsdam, N.Y.; Boston and Springfield, Mass., under contract with Pluess Stauffer, New York, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 134262, filed January 5, 1970. Applicant: FARMERS FEED & SUPPLY TRANSPORTATION, INC., Boyden, Iowa. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and animal feed ingredients* (except liquids in bulk), *salt and calcium chloride*, (1) between points in Minnesota, South Dakota, Iowa, Nebraska, Kansas, Missouri, and Wisconsin; and (2) between points in said States in (1) above on the one hand, and, on the other, points in Illinois, Wyoming, Texas, Mississippi, Louisiana, Michigan, Oklahoma, Arkansas, and Colorado; under contract with Farmers Feed & Supply, Inc., Boyden, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

MOTOR CARRIER OF PASSENGERS

No. MC 1934 (Sub-No. 30), filed December 15, 1969. Applicant: THE ARROW LINE, INC., 105 Cherry Street, East Hartford, Conn. 06108. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in *round-trip* sightseeing and pleasure tours, beginning and ending at points in Hartford County, Conn., and extending to points in the United States (except Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 36524 (Sub-No. 13), filed December 21, 1969. Applicant: MISSOURI TRANSIT LINES, INC., 104 North Clark Street, Post Office Box 632, Moberly, Mo. 65270. Applicant's representative: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Kansas City and Excelsior Springs, Mo., from Kansas City over Interstate Highway 35 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction Missouri Highway 10 at or near Excelsior Springs, thence over Missouri Highway 10 to Excelsior Springs, and return over the same route serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City or Kansas City, Mo.

No. MC 129575 (Sub-No. 2), filed July 9, 1969. Applicant: LEWIS PIERCE, doing business as HIGHWAY 2 EXPRESS, 1321 First Avenue North, Grand Forks, N. Dak. 58201. Applicant's representative: R. W. Wheeler, Post Office Box 1, Bismarck, N. Dak. 58401. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: I. Regular Route: *Passengers, baggage, express, mail and newspapers*, between Grand Forks and Langdon, N. Dak.: From Grand Forks over U.S. Highway 81 to junction with North Dakota Highway

5, thence over North Dakota Highway 5 to Langdon and return over the same route, serving the intermediate points of Manvel, Minto, Grafton, St. Thomas, Glasston, Hamilton, and Cavalier. II. Irregular routes: *Passengers and baggage* in charter operations, beginning and ending at points in North Dakota on and east of U.S. Highway 83, and on and north of U.S. Highway 2, to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, South Dakota, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Bismarck, Fargo, or Grand Forks, N. Dak.

No. MC 133305 (Sub-No. 1), filed December 22, 1969. Applicant: DAVIS AIRPORT LIMOUSINE SERVICE, INC., 711 12th Street NE., Canton, Ohio 44704. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over iregular routes, transporting: (I) *Passengers and their baggage*, in charter operations; (1) from points in Summit and Portage Counties, Ohio, on and north of U.S. Highway 224 to points in the United States, including the District of Columbia (except Alaska and Hawaii) and return; (2) from points in Ohio south of U.S. Highway 224 in the counties of Ashland, Medina, Portage, Wayne, Stark, Columbiana, Holmes, Tuscarawas, and Carroll, Ohio, to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Louisiana, Mississippi, Montana, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming, and return; and (II) *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours; (1) beginning and ending at points in Summit and Portage Counties, Ohio, and points in Ohio south of U.S. Highway 224 in the counties of Ashland, Medina, Portage, Wayne, Stark, Columbiana, Holmes, Tuscarawas, and Carroll, Ohio, and extending to points in the United States, including the District of Columbia (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 134170, filed November 19, 1969. Applicant: WAUKEGAN NORTH CHICAGO TRANSIT CO., a corporation, 1400 10th Street, Waukegan, Ill. 60085. Applicant's representative: Frank Crowe, 701 Ridge Road, Wilmette, Ill. 60091. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) Regular routes: *Passengers and their baggage, express, and newspapers* in the same vehicle with passengers, between Great Lakes Naval Training Center, Great Lakes, Ill., and Milwaukee, Wis.: From Great Lakes Naval Training Center, located at Great Lakes, Ill., over Illinois Highway 137 (Buckley Road), thence over Illinois Highway 137 to U.S. Highway 41, thence over U.S. Highway 41 to Interstate Highway 94 (College Avenue) Milwaukee (also known as County Route ZZ), and Wisconsin Highway 38 to General Mitchell Field (Milwaukee Airport), Milwaukee, Wis., and return over the same route, serving no intermediate points; and (B) Irregular routes: *Passengers and their baggage, express, and newspapers* in the same vehicle with passengers, in charter service, between Great Lakes Naval Training Center and points located in Milwaukee County, Wis. NOTE: Applicant states that the requested authority in (B) above, cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago or Waukegan, Ill., or Milwaukee, Wis.

APPLICATION OF WATER CARRIERS

No. W-1189 (Sub-No. 19) (BULK FOOD CARRIERS, INC., Extension of Exemption Section 303(e)(2)), filed January 13, 1970. Applicant: BULK FOOD CARRIERS, INC., 425 California Street, San Francisco, Calif. 94104. Applicant's representative: J. Raymond Clark, 1411 K Street NW., Washington, D.C. 20005. Application of Bulk Food Carriers, Inc., filed January 13, 1970, for exemption from Part III, section 303(e)(2) of the Interstate Commerce Commission Act, as a contract carrier in the transportation of: (1) *alumina*, in bulk, minimum weight 15,000 long tons, from Corpus Christi, Tex., to Longview, Wash.; (2) *ammonium sulphate*, minimum weight 5,000 net tons, from Hopewell and Norfolk, Va., to Pacific coast ports; and (3) *superphosphate, ammoniated and other than ammoniated*, minimum weight 5,000 net tons, from ports in Florida to Pacific coast ports. NOTE: Applicant states that no corresponding available common carrier service by any mode has or could transport the above commodities between the involved points.

No. W-1189 (Sub-No. 20) (BULK FOOD CARRIERS, INC.—Extension—ALUMINA), filed January 13, 1970. Applicant: BULK FOOD CARRIERS, INC., 425 California Street, San Francisco, Calif. 94104. Applicant's representative: J. Raymond Clark, 1411 K Street NW., Washington, D.C. 20005. Application of Bulk Food Carriers, Inc., filed January 13, 1970, for a revised permit authorizing extension of its operations as a contract carrier by water, in interstate or foreign commerce, by self-propelled vessels, in year-round operation, in the transportation of; (1) *alumina*, in bulk, minimum weight 15,000 long tons, from Corpus Christi, Tex., to Longview, Wash., under contract with Reynolds Metals Co.; (2) *ammonium sulphate*, minimum weight 5,000 net tons, from Hopewell and Norfolk, Va., to Pacific Coast ports, under contract with Allied Chemical Corp.; and (3) *superphosphate*, ammoniated and other than ammoniated, minimum weight 5,000 net tons, from ports in Florida to Pacific Coast ports, under contract with Occidental Agricultural Chemicals Corp.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 59856 (Sub-No. 35), filed December 29, 1969. Applicant: SALT CREEK FREIGHTWAYS, a corporation, 408 Industrial, Post Office Box 1411, Casper, Wyo. 82601. Applicant's representative: Pat Culver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between junction Interstate Highway 25 and Colorado Highway 14 and Laramie, Wyo., from junction Interstate Highway 25 and Colorado Highway 14 over Colorado Highway 14 to Fort Collins, Colo., thence over U.S. Highway 287 to Laramie, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations in certificate No. MC 59856 and related subs. NOTE: Common control may be involved.

No. MC 106117 (Sub-No. 15), filed December 21, 1969. Applicant: RUMPF TRUCK LINE, INC., 424 South Maumee Street, Tecumseh, Mich. 49286. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Dexter, Mich., as an off route point in connection with carriers presently authorized regular route operations to and from Ann Arbor, Mich.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-1047; Filed, Jan. 28, 1970; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 26, 1970.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41870—*Phosphatic fertilizer solution to points in Wyoming.* Filed by Southwestern Freight Bureau, agent (No. B-120), for interested rail carriers. Rates on phosphatic fertilizer solution, in tank carloads, as described in the application, from points in southwestern territory, to specified points in Wyoming.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 85 to Southwestern Freight Bureau, agent, tariff ICC 4780.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-1157; Filed, Jan. 28, 1970; 8:51 a.m.]

[Notice 482]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 26, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71402. By order of January 19, 1970, the Motor Carrier Board, on reconsideration, approved the transfer to W. A. LaBoube, Inc., Berger, Mo. 63014, of certificate No. MC-116100 issued May 23, 1957, to Wilfred A. LaBoube, Berger, Mo. 63014, authorizing the transportation of animal and poultry feed and fertilizer, from National City, Ill., to Berger, Mo., serving the intermediate points of East St. Louis, Ill., and Detmold, Mo.

No. MC-FC-71744. By order of January 19, 1970, the Motor Carrier Board approved the transfer to Maldwyn James, doing business as James Transfer, St. Paul, Minn., of the operating rights in certificate No. MC-125370 (Sub-No. 2) issued May 18, 1964, to Leonard E. Parrish, doing business as Len Parrish Trucking, Austin, Minn., authorizing the transportation of malt beverages, from Sheboygan and Milwaukee, Wis., to Albert Lea, Austin, Owatonna, and Rochester, Minn., and from La Crosse, Wis., to Albert Lea, Austin, North Mankato, Owatonna, and Rochester, Minn. Dual operations were authorized. A. R. Fowler, Registered Practitioner, 2288 University Avenue, St. Paul, Minn. 55114, representative for applicants.

No. MC-FC-71867. By order of January 20, 1970, the Motor Carrier Board approved the transfer to Afton Moving & Storage Co., Inc., Fenton, Mo., of the operating rights in certificate No. MC-96451 issued September 30, 1949, to Herman B. Gerdes, doing business as Schnetzler Moving Co., St. Louis, Mo., authorizing the transportation of household goods, over irregular routes, between St. Louis, Mo., and points in Missouri within 25 miles of St. Louis, on the one hand, and, on the other, points in Illinois. Joseph A. Herbers, 5971 Keith Place, St. Louis, Mo. 63109, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-1158; Filed, Jan. 28, 1970; 8:51 a.m.]

[S.O. 994; ICC Order 40]

CHESAPEAKE AND OHIO RAILWAY CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, The Chesapeake and Ohio Railway Co. is unable to transport traffic over its lines in the Buffalo, N.Y., area because of severe weather and operating problems.

It is ordered, That:

(a) The Chesapeake and Ohio Railway Co., being unable to transport traffic over its lines in the Buffalo, N.Y., area because of severe weather and operating problems, is hereby authorized to reroute and direct such traffic over The Baltimore and Ohio Railroad Co., via any available junctions, to expedite the movement.

(b) Concurrence of receiving road to be obtained: The Chesapeake and Ohio Railway Co. shall receive the concurrence of The Baltimore and Ohio Railroad Co. before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 1 p.m., January 22, 1970.

(g) Expiration date: This order shall expire at 11:59 p.m., February 14, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 22, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 70-1159; Filed, Jan. 28, 1970; 8:51 a.m.]

[Notice 482A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 27, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71720. By order of January 23, 1970, the Motor Carrier Board approved the transfer to Caldwell Truck Rentals, Inc., Lenoir, N.C., of a portion of the operating rights in certificate No. MC-93649 and all of the operating rights in certificates Nos. MC-93649 (Sub-No. 14) and MC-93649 (Sub-No. 17) issued February 23, 1965, September 10, 1965, and April 4, 1968, respectively to Gaines Motor Lines, Inc., Hickory, N.C., authorizing the transportation of new furniture, from Maiden, N.C., and points in North Carolina within 25 miles of Maiden, to points in Virginia, Maryland, Pennsylvania, New Jersey, New York, and the District of Columbia; new furniture, crated and uncrated, from points in Catawba, Caldwell, and Burke Counties, N.C., and Marion, Taylorsville, Lincolnton, Statesville, and North Wilkesboro, N.C., to points in Connecticut, Massachusetts, and Rhode Island; new furniture, from Asheville, Lincolnton, and North Wilkesboro, N.C., and points in Burke County, N.C., to points in Maine, New Hampshire, and Vermont; and new furniture, crated, from specified plantsites and warehouse facilities in North Carolina, to points in Alabama, Louisiana, Arkansas, and Mississippi. John R. Sims, Jr., Suite 605, 711 14th Street NW., Washington, D.C. 20005, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-1204; Filed, Jan. 28, 1970; 8:51 a.m.]

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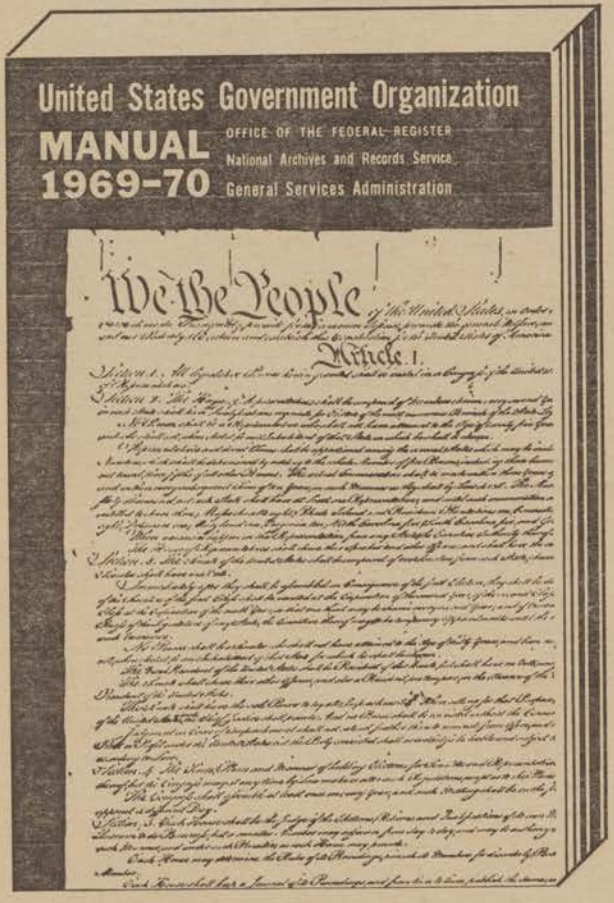

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